

Washington, Thursday, February 12, 1942

The President

CHILD HEALTH DAY-1942

BY THE PRESIDENT OF THE UNITED STATES OF AMERICA

A PROCLAMATION

WHEREAS the Congress by joint resolution of May 18, 1928 (45 Stat. 617), has authorized and requested the President of the United States to issue annually a proclamation setting apart May 1 as Child Health Day:

NOW, THEREFORE, I, FRANKLIN D. ROOSEVELT, President of the United States of America, in recognition of the vital importance of the health of children to the strength of the Nation, do hereby designate the first day of May of this year as Child Health Day.

And I call upon the people in each of our communities to contribute to the conservation of child health and the reduction of illness among children by exerting every effort to the end that before May Day, Child Health Day, children over nine months of age be immunized against diphtheria and smallpox, the two diseases for which we have the surest means of prevention.

IN WITNESS WHEREOF I have hereunto set my hand and caused the seal of the United States of America to be affixed.

DONE at the City of Washington this 6th day of February in the year of our Lord nineteen hundred and [SEAL] forty-two and of the Independence of the United States of America the one hundred and sixtysixth

FRANKLIN D ROOSEVELT

By the President: CORDELL HULL,
Secretary of State.
[No. 2539]

[F. R. Doc. 42-1247; Filed, February 11, 1942; 10:29 a. m.]

Rules, Regulations, Orders

TITLE 9—ANIMALS AND ANIMAL PRODUCTS

CHAPTER II—AGRICULTURAL MAR-KETING SERVICE

PART 204—POSTED STOCKYARDS AND LIVE PODLTRY MARKETS

NOTICE RELATIVE TO SPRINGFIELD LIVESTOCK SALES COMPANY, SPRINGFIELD, OHIO²

FEBRUARY 11, 1942.

Whereas the Springfield Livestock Sales Company was posted on May 16, 1935, as a stockyard subject to the provisions of the Packers and Stockyards Act, 1921; and

Whereas it now appears that the Springfield Livestock Sales Company is not being operated as a stockyard within the meaning of that term as defined in said Act:

Now, therefore, notice is hereby given that the Springfield Livestock Sales Company no longer comes within the foregoing definition and the provisions of Title III of said Act.

[SEAL] ROBERT H. SHIELDS,

Assistant to the
Secretary of Agriculture.

[F. R. Doc. 42-1263; Filed, February 11, 1942; 11:55 a. m.]

TITLE 10—ARMY: WAR DEPARTMENT CHAPTER IX—TRANSPORT

PART 94—PRIORITIES FOR AIR TRANSPORTA-TION 3

§ 94.1 Priority classifications. Priority classes are established as follows:

¹Modifies list posted stockyards 9 CFR 204.1.

²Acting pursuant to authority delegated by the Secretary of Agriculture under the Act of April 4, 1940 (54 Stat. 81; 6 F.R. 5192). ²§ 94.1 (7 F.R. 573) is superseded. The

25 94.1 (7 F.R. 573) is superseded. The regulations contained in £ 94.1 to 94.3 are also contained in Directive No. 3, Priorities for Air Transportation, Headquarters, Army Air Forces, W.D., February 5, 1942, which supersedes and cancels Directives No. 1 and No. 2, dated January 15 and 23, 1942, respectively.

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(a) Class 1. Personnel of the White House upon personal request and identification.

(b) Class 2. Army, Navy and Marine Corps airplane pilots of their respective Ferrying Commands traveling under Military orders, upon presentation of such identifying orders. (Not an air transportation request, but Military Special Orders for travel by air.)

(c) Class 3. Military personnel (War, Navy, Marine Corps, Coast Guard, and Allied Military Personnel) who present special orders directing travel by air (not on air transportation request or "authorization").

(d) Class 4. Army and Navy equipment, ammunition, supplies, and materials essential to the war effort ordered for air movement by the War Department (Assistant Chief of Staff, G-4). Requests for such movements will be

made by the Government Department or Agency concerned with the Air Transport Priority and Assignment Section (Office of the Assistant Chief of Staff, G-4, Department of Commerce Building, Room 5317, Telephone EXecutive 2460, Extension 1240).

(e) Class 5. (1) Personnel of all Government Departments and Agencies and other civilians whose activities are essential to the war effort, who are traveling on urgent missions "requiring travel by air," and who possess and present a certificate certifying that the transportation involved is necessary to the successful prosecution of the war effort; such certificate, to be signed by an approved executive of the Government department or agency concerned, or by other competent authority, specifically designated by the Supply Division G-4, War Department, General Staff.

(2) This classification includes members of the Congress of the United States who may execute 'certificates for their own travel when engaged in activities essential to the war effort.*

*§§ 94.1 to 94.3 issued under authority contained in Sec. 1, 39 Stat. 645; 10 U.S.C. 1361, and E.O. No. 8974 (6 F.R. 6441).

§ 94.2 General information—(a) Establishment of priorities. The Supply Division (G-4) War Department General Staff, is charged with the establishment of priorities for travel by commercial air lines.

(b) Definition of priority transportation on scheduled air carriers. (1) A priority for air travel is a demand upon an air carrier for a space reservation between points in accordance with the priority classifications issued to facilitate the prompt execution of a mission essential to the war effort.

(2) A priority does not direct transportation on a specific airline or flight unless only one airline or flight will permit the completion of the mission in the time required. It does not direct a specific type of accommodation on a flight, such as a sleeper accommodation.

(c) Directives—(1) Issuance. Directives governing priority will be issued by the office of the Military Director of Civil Aviation, as the necessity becomes apparent, governing the transportation of persons and cargo by air necessary to the successful prosecution of the War Effort.

(2) Obligation of Air Carriers. Compliance with directives is mandatory upon the Air Carriers to whom they are issued.

(d) Origin of request for priority.

(1) If the passenger follows specific procedures outlined in this Directive, and future Directives, and proper credentials are presented to the Air Carrier, the request for priority will be automatically granted.

(2) If a particular case is not clearly covered by a Directive the passenger or shipper must request the priority through the Government Department or Agency for which the transportation is necessary to the successful prosecution of the war effort. To establish the priority an authorized person in the depart-

ment or agency must obtain the approval of the office of the Assistant Chief of Staff (G-4) in Washington, Executive 2460, Extension 1240. If priority is established the Air Carrier(s) will be notified.

(3) Persons or shippers not employed by the Government may obtain priority transportation only through the Government Agency or Department or other authority specifically designated by G-4, in whose interests the travel is performed.

(4) The office of the Assistant Chief of Staff and the office of the Military Director of Civil Aviation will not receive calls from individual travelers or shippers, and will not act as a reservation office, but will function only in the estab-

lishment of priorities.

(e) Policy for administering priorities—(1) General. (i) It is the policy to administer priority transportation to cause the least inconvenience to regular passengers and shippers consistent with the prosecution of the war effort. There will be times when transportation for regular passengers and cargo will be deferred to clear space for priority transportation, but it is felt that this inconvenience will be limited and will not be serious enough to discourage regular passengers and shippers from taking full advantage of the use of Scheduled Air Transportation.

(ii) In considering transportation by air it will be borne in mind that there are many flights each day between main air terminals. This frequently makes it possible to use any one of many flights

to complete a mission.

(2) Order of consideration of priorities. (i) Priority classes shall take precedence in the order listed.

(ii) Passengers and cargo with the same priority classification will be accepted in the order that reservations are requested if all priority requests with the same classifications cannot be accommodated on a flight.

(3) Displacement of priority passengers or cargo. Priority reservations will not be displaced on a flight by another priority request of the same classification. A priority reservation will be displaced by a priority request of a higher classification. When it becomes necessary to displace priority passengers or cargo in order to accommodate priorities of a higher classification, the local priority man on duty will designate the priority to be removed, based on instructions from G-4. He will expedite the removed priority to destination on first possible flight.

(f) Responsibility of Government departments and agencies. Government departments and agencies are requested to exercise care to assure that travel orders and certificates which specifically order priority travel by air—as distinguished from orders which merely authorize travel by air for the convenience of the individual—are limited to those cases where such travel is necessary to the successful prosecution of the war effort. It is believed that this can be best accomplished by each department

or agency appointing an official who will have the authority to determine which individuals require priority travel by air and to contact the office of the Military Director of Civil Aviation (Executive 2460, Extension 1240) in cases of question or application. Cooperation is requested in order that the issuance of more drastic measures to restrict priority air travel may be avoided.

(g) Orders authorizing travel by air. Personnel traveling on orders which merely authorize travel by air as distinguished from orders directing travel by air, and not having a certificate which certifies that air travel is necessary to the successful prosecution of the war effort, will be assigned space in accordance with the usual practices of the

scheduled air carriers.*

§ 94.3 Special instructions—(a) For passengers. (1) Air travel having been determined as necessary, notify the air carrier concerned without delay, of the priority reservations required, the origin of the flight, the destination, the latest time of arrival at destination which will accomplish the mission, and of the fact that you will present an order directing travel by air or a certificate for priority.

(2) Secure and present a copy of the travel order or a copy of the certificate requesting the priority air travel to the air carrier as soon as possible. The right to priority transportation will be established only after the credentials are pre-

sented to the air carrier.

(3) Check to see if ticket is properly stamped to indicate priority classifica-

- (b) Air carriers. (1) Request a copy of the passenger's order directing the air travel or a copy of the certificate requesting priority and determine the priority classification of the passenger in accordance with the Priority Classification shown in § 94.1.
- (2) The air carrier will stamp the tickets showing "Priority Class _____
- (3) Identification of priority classifi-

(i) Class 1. Personnel of the White House who are not known to airline personnel may be requested to present some form of positive identification.

(ii) Classes 2 and 3. Military personnel (War, Navy, Marine Corps, Coast Guard and Allied Military Personnel) will be identified by presentation of a

special order which will direct travel by air as distinguished from special orders which merely authorize travel by air.

(iii) Class 4—Cargo. When air cargo is to be shipped on a priority basis a request for priority either in writing or by telephone (later confirmed in writing) will be made by the interested Government Department or Agency to the Air Transport Priority and Assignment Section (Office of the Assistant Chief of Staff, G-4), Department of Commerce Building, Room 5317, telephone Executive 2460, extension 1240, who will inform the air carriers of the priority to be assigned and arrange the details of the shipment through the ATA Liaison Office in the Office of the Military Director of Civil Aviation. This request will contain the following information:

Origin of flight, destination, latest time of arrival at destination which will accomplish the purpose of the shipment, number and dimensions and weights of items in shipment, consignee, consignor,

and the reason for shipment by air.
(iv) Class 5. Passengers in this classification will present certificate, in the form given below, from and signed by an authorized executive of their respective Government Department or Agency or the Government Department or Agency with which they are doing business.

(c) Certificate—(1) Form of certificate. This certificate must be worded exactly as shown below and properly signed by an executive of a department or agency of the Government, by a Senator or Congressman, or other person specifically designated by G-4.

CERTIFICATE

(Issuing Department or Agency) (Place)

(Date)

To: AIR TRANSPORT ASSOCIATION REPRESENTA-

(At City of Origin of Flight) I certify that air transportation from

____ to ____ ... is necessary to the successful prosecution of the war effort and request priority under classification "Other than Military."

Signed _____ Title _

(2) It is suggested that each department or agency duplicate this form on its own stationery to be distributed to those persons authorized to issue these certificates.

(3) Each office of a scheduled air carrier will maintain a supply of these certificates.

°(4) Passengers will surrender the certificate to Air Carrier Representative in

city of origin of flight.

(5) If passenger is not in same city the authority requesting priority, such authority may include the full text of the certificate in a telegram addressed to the passenger. The passenger will surrender the telegram and complete a certificate in full at the office of the air carrier.*

[SEAL]

E. S. ADAMS, Major General, The Adjutant General.

[F. R. Doc. 42-1248; Filed, February 11, 1942; 10:42 a. m.]

TITLE 32-NATIONAL DEFENSE

CHAPTER IX-WAR PRODUCTION BOARD

SUBCHAPTER B-DIVISION OF INDUSTRY **OPERATIONS**

PART 944-REGULATIONS APPLICABLE TO THE POPERATION OF THE PRIORITIES SYSTEM

Priorities Regulation No. 6

§ 944.26 Priorities Regulation No. 6-(a) Abolition of Priorities Critical List. On and after the effective date of this

Regulation, the Priorities Critical List of the Army and Navy Munitions Board is hereby abolished as a limitation upon the application of the preference rating assigned by any General Preference Order, Preference Rating Order, Limited Preference Rating Order or any other Order heretofore issued by the Director of Priorities of the Office of Production Management or by the Director of Industry Operations of the War Production Board. Nothing herein contained shall nullify or otherwise affect the provision of any Order restricting the application of preference ratings to deliveries of Materials included on any other list specified or referred to in such Order. The Defense Housing Critical List shall not be affected hereby.

(b) Effective date. This Regulation shall take effect immediately. (P.D. Reg. 1 amended Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st

Issued this 11th day of February 1942. J. S. Knowlson, Director of Industry Operations.

[F. R. Doc. 42-1261; Filed, February 11, 1942; 11:53 a. m.]

PART 1010-SUSPENSION ORDERS

Suspension Order No. S-8-National Pressure Cooker Co.

National Pressure Cooker Company, Eau Claire, Wisconsin, is a manufacturer of aluminum kitchen utensils and in connection with such manufacture maintains a foundry for melting and otherwise processing aluminum and aluminum scrap. During the months of July through November of the year 1941 the Company accepted deliveries of 740,856 pounds of aluminum scrap for the purpose of melting and otherwise processing the same despite the fact that no preference ratings had been assigned to such deliveries nor other authorization by the Director of Priorities obtained therefor. Such acceptances constituted wilful violations of Supplementary Order M-1-c.3

Because of the scarcity and critical importance of aluminum, National Pressure Cooker Company's misuse of a preference rating and its wilful violation of Supplementary Order M-1-c have resulted in the diversion of aluminum from primary defense needs into non-essential uses. In view of the foregoing facts, It is hereby ordered:

§ 1010.8 Suspension Order S-8. (a) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin. its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) Beginning ten days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products except as specifically authorized by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from National Pressure Cooker Company of Eau Claire, Wisconsin, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless terminated by the Director of Industry Operations, shall expire at midnight on the 10 day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024; Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-1240; Filed, February 10, 1942; 3:27 p. m.]

PART 1010—SUSPENSION ORDERS

Suspension Order No. S-9—New England

Metals Co.

New England Metals Company of Providence, Rhode Island, is a dealer in non-ferrous scrap metals. Between August 1, 1941, and November 30, 1941, this company delivered to the National Pressure Cooker Company of Eau Claire, Wisconsin, approximately 555,000 pounds of aluminum sorap to be melted and processed into pressure cookers. These de-

liveries constituted violations of Supplementary Order M-1-c,¹ issued by the Director of Priorities on June 10, 1941, in that preference ratings of A-10 or higher had not been assigned to these deliveries, nor had they been specifically authorized by the Director of Priorities. At the time these deliveries were made, New England Metals Company and its officials were familiar with the provisions of Supplementary Order M-1-c and knew that the deliveries of aluminum scrap to National Pressure Cooker Company, set forth above, constituted violations of this Order.

Because of the scarcity and critical importance of aluminum scrap, these wilful violations of Supplementary Order M-1-c have resulted in diverting aluminum scrap from primary defense needs into Uses not authorized for such scrap by the Director of Priorities. In view of the foregoing facts, It is hereby ordered:

§ 1010.9 Suspension Order S-9. (a) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part.

(b) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall accept no purchase orders, and enter into no contracts or commitments, for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, New England Metals Company of Providence, Rhode Island, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, except as specifically directed by the Director of Industry Operations.

(d) During the period in which this Order shall be in effect, no person shall deliver any primary aluminum, secondary aluminum, aluminum scrap, aluminum products, or alloys of which aluminum constitutes the major part to New England Metals Company of Providence, Rhode Island, in any case in which the acceptance of such delivery by the company would be in violation of this Order: nor shall any person accept delivery of any such material or any aluminum product from New England Metals Company of Providence, Rhode Island, in any case in which the delivery of such material or product by the company would be in violation of this Order.

(e) This Order shall take effect immediately and, unless sooner terminated by further order of the Director of Industry Operations, shall expire on the 10

day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st Sess.)

Issued this 10th day of February 1942.

J. S. Knowlson,

Director of Industry Operations.

[F. R. Doc. 42-1241; Filed, February 10, 1942;

3:27 p. m.]

PART 1010—SUSPENSION ORDERS
Suspension Order No. S-12—A. B. C.
Pattern & Foundry Co.

A. B. C. Pattern & Foundry Company of Chicago, Illinois, is a manufacturer of Wood and Metal Patterns. Match Plates. and Brass, Bronze, and Aluminum Castings. It is engaged in all operations necessary to such manufacturing, including the melting and casting of aluminum prior to the fabrication of the finished product, and is subject to the provisions of Supplementary Order M-1-c,1 During the period of July 24 and November 1. 1941, the Company accepted the delivery of 17,510 pounds of aluminum scrap for melting and other processing. No preference ratings had been assigned to these deliveries nor had they been specifically authorized by the Director of Priorities. The Company also made a misrepresentation to the Office of Production Management concerning these deliveries.

These violations of Supplementary Order M-1-c have resulted in the diversion of aluminum scrap to uses unauthorized by the Director of Priorities. In view of the foregoing facts, It is hereby ordered:

§ 1010.12 Suspension Order S-12. (a) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall accept no deliveries from any source of primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part, except as specifically authorized by the Director of Industry Operations.

(b) Beginning ten days after the effective date of this Order and during the remainder of the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall not process any primary aluminum, secondary aluminum, aluminum scrap or alloys of which aluminum constitutes the major part except as specifically authorized by the Director of Industry Operations.

(c) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company, of Chicago, Illinois, its successors and assigns, shall make no deliveries of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes a major part or aluminum products except as specifically authorized by the Director of Industry Operations.

¹6 F.R. 2854.

(d) During the period in which this Order shall be in effect, A. B. C. Pattern & Foundry Company of Chicago, Illinois, its successors and assigns, shall accept no purchase orders and enter into no contracts or commitments for delivery by it of primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products except as specifically authorized by the Director of Industry Operations.

(e) During the period in which this Order shall be in effect, no person shall deliver to nor receive from A. B. C. Pattern & Foundry Company of Chicago. Illinois, its successors and assigns, any primary aluminum, secondary aluminum, aluminum scrap, alloys of which aluminum constitutes the major part, or aluminum products, the delivery or receipt of which is prohibited by this Order, except as specifically authorized by the Director of Industry Operations.

(f) This Order shall take effect immediately, and, unless sooner terminated by the Director of Industry Operations, shall expire at midnight on the 10 day of April 1942. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong. 1st Sess.)

Issued this 10th day of February 1942. J. S. KNOWLSON,

Director of Industry Operations.

[F. R. Doc. 42-1242; Filed, February 10, 1942; 3:28 p. m.]

PART 1068-TINPLATE AND TERNEPLATE

Conservation Order M-81 To Conserve the Supply and Direct the Distribution of Tinplate and Terneplate

Whereas it appears that the fulfillment of requirements for the defense of the United States will result in a shortage of tinplate and terneplate for defense, private account, and for export, and it being necessary in the public interest and to promote the national defense to conserve the supply and direct the distribution of tinplate and terneplate in the manner and to the extent hereinafter in this Order provided:

Now, therefore, it is hereby ordered:

§ 1068.1 Conservation Order M-81-(a) Applicability of Priorities Regulation No. 1. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1. (Part 944) as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order shall govern.

(b) Definitions. (1) "Person" means any individual, partnership, association, business trust, corporation, governmental corporation or agency, or any organized group of persons, whether incorporated or not.

means blackplate (2) "Tinplate" coated on one or both sides with tin.

(3) "Terneplate" means blackplate coated on one or both sides with a lead-

(4) "Blackplate" means any sheet steel plate suitable for manufacture into a container, and, for the purpose of this Order, shall also include any waste tinplate, terneplate, or scrap produced in the ordinary course of manufacturing cans out of tinplate or terneplate.

(5) "Can" means any container which is intended for packing, packaging or putting up products of any kind and which is made, in whole or in part, of tinplate, terneplate, or blackplate, or any combination thereof, and includes closures, crowns and caps, but does not include any closure, crown or cap to be used on, or as a part of, a non-metal container.

(6) "A Primary Products Can" means a can used to pack any product listed on Table I, annexed hereto, such products

being foodstuffs of primary importance.
(7) "A Secondary Products Can" means a can used to pack any product listed on Table II, annexed hereto, such products being foodstuffs of secondary importance.

(8) "A Special Products Can" means a can used to pack any product listed on Table III, annexed hereto, being mainly important medical, industrial, pharma-ceutical, chemical, dental, and miscellaneous supplies.

(9) "A Non-Essential Can" means any can made of tinplate or terneplate other than those defined in subparagraphs (6),

(7) and (8) above. (10) "A Canner" means any person engaged in the business of packing, packaging or putting up in cans any food or other products of any kind for sale to others, whether such person buys some or all of his cans from third parties or whether he manufactures some or all of his cans himself.

(11) "A Can Manufacturer" means any person engaged in the business of producing cans for sale to others or for his own use in packing food or other products of any kind.

(12) "Base Period" means the corre-

sponding period of 1940.

(13) "Inventory" of a person includes the inventory of affiliates and subsidiaries of such person, and the Inventory of others where such inventory is under the control of or under common control with or available for the use of such person.

(c) Restrictions upon the manufacture, sale and delivery of cans and upon the use of cans for packing—(1) Use of blackplate in the manufacture of cans. Until further order by the Director of Industry Operations, there shall be no restriction upon the use of blackplate in the manufacture of cans or upon the sale or delivery of cans made wholly of blackplate or partly of blackplate and partly of some material other than tinplate or terneplate.

(2) Primary products cans and special products cans. Until further order by the Director of Industry Operations, there shall be no restriction upon the manufacture, sale or delivery of Primary Products Cans or Special Products Cans except (a) the restrictions imposed

by paragraph (d) of this Order and (b) the restrictions imposed by Tables I and III (in respect of the particular products there listed) relating to permitted can sizes, can material, and extent of production. No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to December 31, 1942 any primary products or special products cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c).

(3) Secondary products cans. No canner shall buy, accept delivery of, manufacture, or use for packing during the period from the date of issuance of this Order to December 31, 1942, secondary products cans requiring more than 100% of the tin and/or tinplate and/or termeplate required for secondary products cans which he bought, accepted delivery of, manufactured, or used for packing during the base period.

No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to December 31, 1942 any secondary products cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c).

In addition to the restrictions on secondary products cans imposed by this subparagraph (3) of paragraph (c), all can manufacturers and canners shall observe the restrictions imposed by Table II (in respect to the particular products there listed) relating to permitted can sizes, can material, and extent of production.

(4) Non-essential cans. No canner shall buy, accept delivery of, manufacture or use for packing during the period from the date of issuance of this Order to March 1, 1942, non-essential cans requiring more than 50% of the tin and/or tinplate and/or terneplate required for non-essential cans which he bought, accepted delivery of, manufactured, or used for packing during the base period; and after March 1, 1942, no canner shall buy, accept delivery of, manufacture, or use for packing any non-essential cans except to the extent permitted by paragraph (e) and paragraph (g) (1) of this Order.

No can manufacturer shall manufacture, sell or deliver during the period from the date of issuance of this Order to March 1, 1942 and non-essential cans except under contracts or orders validated by delivery to such can manufacturer of a canner's certificate as set out in subparagraph (5) of this paragraph (c): and after March 1, 1942 no can manufacturer shall manufacture, sell or deliver any non-essential cans except to the extent permitted by paragraph (e) and paragraph (g) (1) of this Order.

(5) Certificates and reports relating to all the kinds of cans covered by this order-(i) Certificates. Each canner who purchases any cans pursuant to this paragraph (c)—whether such purchase is by contract or on open-account-order-shall furnish to the can manufacturer from whom he buys a certificate,

manually signed by an authorized official, in substantially the form attached hereto as "Exhibit A", which shall constitute a certification to the War Production Board that such canner is familiar with the terms of this Order (in its present form or as it may be amended from time to time) and that, during the life of this Order, he will not use any cans purchased from such can manufacturer in violation of its terms. Only one such certificate covering all present and future purchases from a given can manufacturer, need be furnished by a canner to that can manufacturer, but no can manufacturer shall be entitled to rely on any such certificate if he knows, or has reason to believe, it to be false.

(ii) Reports. Each can manufacturer and each canner shall file such reports as the War Production Board may prescribe for the purpose of effective administration of this Order.

(6) Transfers. No product which has been packed in a can made of tinplate or terneplate shall be repacked by the same or a different canner in the same or different form, with or without other products, in another can made of tinplate or terneplate, except to the extent specifically permitted by Tables I, II, or

(d) Further conservation of tinplate and terneplate. (1) All manufacturers of all the kinds of cans covered by this Order shall cooperate with the tinplate mills in effectuating as rapidly and as completely as possible a program of reducing the thickness of the tinplate coating on such cans-both by hot dip coating and by electrolytic coating-to the minimum thickness which will be sufficient for satisfactory packing of the particular product packed. After the date of issuance of this Order, no can manufacturer or canner shall order from a tinplate mill and no tinplate mill shall manufacture, sell or deliver any tinplate with a coating of a pot-yield thickness greater than 1.25 lbs. per base box (i. e. 31,360 square inches), and no can manufacturer or canner shall manufacture, sell or deliver any tinplate cans with a coating of greater than such thickness: Provided, That neither this prohibition nor the prohibition of Supplementary Order M-21-e (§ 962.6) shall apply (a) to timplate or to cans made of timplate already manufactured at the date of issuance of this Order or (b), notwithstanding the provisions of said Supplementary Order M-21-e, to cans used to pack any product which is listed on "Exhibit B" annexed hereto, and for which a tinplate coating of a pot-yield thickness of 1.5 lbs. per base box is hereby authorized.

(2) All manufacturers of all kinds of cans covered by this Order and all canners packing products in such cans are ordered (a) to concentrate to the greatest extent practicable upon the larger-size cans and to manufacture and to use for canning respectively, as high a proportion of larger-size cans-as compared with smaller-size cans—as may be feasible and practicable; (b) to substitute, for cans made of tinplate or terneplate, containers made of other material to the extent that such substitution may be feasible and practicable; and (c) to use | him, or that it would result in a degree

a minimum amount of solder having the minimum tin content necessary for manufacture and use of the tinplate and terneplate cans permitted to be manufactured and used under this Order.

(3) No person who in 1941 packed a portion of his products in any container made of material other than tinplate or terneplate shall increase the proportion of such products hereafter packed in tinplate or terneplate.

(e) Limitations on inventory, (1) After the date of issuance of this Order, no can manufacturer or canner shall order from the steel mills any tinplate or terneplate to be used for the manufacture of non-essential cans in excess of the amounts necessary and allowed by this Order-taking into account existing inventory-for the manufacture of nonessential cans during the period from the date when this Order is issued to March 1, 1942. All can manufacturers and canners shall immediately cancel any existing orders for tinplate or terneplate in excess of such amounts.

(2) After March 1, 1942, no can manufacturer or canner shall manufacture. and no can manufacturer shall sell to a canner, any non-essential cans made from tinplate or terneplate held in the inventory of such manufacturer or canner on March 1, 1942, except to the extent permitted by the War Production Board on the basis of an application showing that any other use of such tinplate or terneplate or cans made from such tinplate or terneplate will be unduly or unnecessarily wasteful or wholly impracticable.

(3) After March 1, 1942, no can manufacturer shall sell to a canner, and no canner shall use for packing, any nonessential cans manufactured prior to March 1, 1942, except to the extent permitted by the War Production Board on the basis of an application showing that any other use of such cans will be unduly or unnecessarily wasteful or wholly impracticable.

(f) Tables I, II, and III. If any general provision or restriction of this Order conflicts, or appears to conflict, with any specific provision or restriction of Tables I, II or III, then such specific provision or restriction shall control.

(g) Miscellaneous provisions—(1) Applicability of Order. The provisions and restrictions of this Order shall apply to tinplate, terneplate and cans made of tinplate or terneplate which have already been manufactured as of the date of issuance of this Order or which may hereafter be manufactured—irrespective of whether such tinplate, terneplate, and cans were, or will be, manufactured pursuant to a contract made prior or subsequent to the date of such issuance: Provided, however, That this Order shall not apply to tinplate, terneplate, or cans made of tinplate or terneplate manufactured or to be manufactured pursuant to a Defense Order supported by a Preference Rating of higher than A-2.

(2) Appeal. Any person affected by this Order who considers that compliance therewith would work an exceptional and unreasonable hardship upon of unemployment which would be unreasonably disproportionate compared with the amount of tinplate and terneplate conserved, or that compliance with this Order would disrupt or impair a program of conversion from non-defense work to defense work, may appeal to the War Production Board on form PD-269, Ref: M-81, setting forth the pertinent facts and the reason he considers he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(3) Violation. Any person who wilfully violates any provision of this Order, or who by any act or omission falsifles records to be kept or information to be furnished pursuant to this Order, may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A) of the Criminal Code (18 U.S.C. 80).

(4) Sales of tinplate and terneplate. No person shall hereafter sell or deliver tinplate or terneplate to any can manufacturer or canner if he knows, or has reason to believe, that such tinplate or terneplate is to be used in violation of the terms of this Order.

(5) Communications to War Production Board. All reports required to be filed hereunder and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: M-81.

(6) Effective date. This Order shall take effect immediately, and shall continue in force until amended or terminated by the Director of Industry Operations. The telegraphic order, dated January 27, 1942, to can manufacturers hereby revoked. (P.D. Reg. 1, amended Dec. 23, 1941, 6 FR. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 FR. 561; E.O. 9024, Jan. 16, 1942, 7 FR. 329; E.O. 9040, Jan. 24, 1942, 7 FR. 527; sec. 2 (n), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st

Issued this 11th day of February 1942. J. S. KNOWLSON. Director of Industry Operations.

EXHIBIT A

WAR PRODUCTION BOARD

DIVISION OF INDUSTRY OPERATIONS

Social Security Building, Washington, D. C.

CANNER'S CERTIFICATE

•	
(Applicant's Address)	(Date)

In accordance with Paragraph (c), subparagraph (5) (1) of Conservation Order M-81 of the War Production Board designed to conserve the supply and direct the distribution of tinplate and terneplate, the undersigned hereby certifies—and this shall constitute a certification to the War Production Board—that the undersigned applicant is familiar with the terms of said Conservation Order M-81, and any and all amendments thereto, and that said applicant will not use any cans purchased from

(Name of Can Manufacturer)

(Address of Can Manufacturer)

in violation of the terms of said order and amendments.

Section 35 A of the U.S. Criminal Code (18 U.S. C. A. 80) makes it a criminal offense to make a false statement or representation to any department or agency of the United States as to any matter within its jurisdiction.

(Legal Name of Applicant)

By .

(Autorized Official)

(Title of Official Reporting)

EXHIBIT B

- 1. Sauerkraut.
- 2. Pureed Vegetables and Fruits.
- 3. Berries, including but not limited to blueberries, blackberries, cranberries, raspberries, strawberries, and loganberries.
 - 4. Cherries.
 - 5. Plums.
 - 6. Prunes.
 - 7. Lemon Juice.
 - 8. Phenols and Cresols.
- 9. Glycerine (C. P. and U. S. P.). 10. Jams, Jellies, and Preserves (if
- authorized to be packed).
 - 11. Pectin.
 - 12. Nicotine Sulphate.
 - 13. Pickles.

Table I-Primary Products Cans

All the individual restrictions appearing on this Table, relating to can sizes, repacking, or specific limitations on the form in which a product may be packed, shall take effect as of March 1, 1942 unless otherwise indicated.

Fruits

- 1. Fruit Cocktail and Fruits for Salad, including any combination of Fruits otherwise included on Table I and Table II, but containing at least 50% fruits on Table I, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans. Said Fruit Cocktail and Fruits for Salad are not to be packed from contents of other tinplate cans except to the extent of 10% by weight of said Fruit Cocktail or Fruits for Salad and in no case except where such 10% by weight consists of Pineapple or Maraschino Type Cherries which have come from No. 10 or larger cans.
- 2. Peaches, Clingstone, and Pears. Halves, Segments, Slices, only in No. 2, No. 2½, or No. 10 cans. Whole Peaches and Whole Pears not to be packed.
- 3. Pectin, Dry and Liquid, only in 5 gal. or larger cans.
- 4. Grapefruit, Lemon, Lime, Orange Concentrates, including, but not limited to dry, powdered, dehydrated juices from

the same fruits, with or without drying promoters, but only in No. 1 Picnic or larger cans.

5. Peaches, Freestone, only in No. 2, No. 2½, or No. 10 cans, except in Callfornia for which see Table II.

Vegetables

- 1. Asparagus, only in No. 2, No. 2½, No. 10, No. 1 Square, or No. 2½ Square cans.
- 2. Beans, packed fresh, including but not limited to Green, Wax, Fresh Shelled, Lima, and Green Soybeans, and only in No. 2, No. 2½, or No. 10 cans. Dried beans and peas are not to be packed.
- 3. Corn, only sweet, cut, and only in No. 2 or No. 10 cans; or in No. 2 Vacuum cans, dry pack only. Corn on cob not to be packed.
- 4. Peas, only fresh green, and only in No. 2 or No. 10 cans.
- 5. Tomatoes, only in No. 2, No. 2½, or No. 10 cans.
- 6. Tomato Paste, Sauce, Catsup, Chili Sauce, only in No. 10 or larger cans. See Table II.
- 7: Tomato Pulp or Purce in No. 1 Picnic, No. 2, No. 2½, No. 10, or 5-gal. cans. The foregoing Tomato products packed in 5-gal. or larger cans may be repacked in other tinplate cans either unchanged or in combination with other products.
- 8. Baby-Foods-Vegetable Purees, and Choppsd Foods (for Human Consumption only), but only if packed for these purposes in 1941; and only in No. 202 B.F. (202 x 214), No. 211 B.F. (211 x 210), No. 2, or No. 10 cans.

In respect to the following products above-listed on this Table I, under the heading of "Vegetables", being respectively Green and Wax Beans, Corn, Peas, and Tomatoes (Item 5), a canner who lacks adequate machinery, equipment or plant facilities for packing his entire 1942 pack of such products in No. 2, No. 2½, or No. 10 cans may, upon application to the War Production Board, pack the excess of his 1942 pack of such products in No. 303 cans, if said canner is currently equipped to pack such products in No. 303 cans and did so in 1941.

Juices

1. Tomato Juice (which may contain up to 30% other vegetable juices), only in No. 2, No. 2 Cyl., No. 3 Cyl., or No. 10 cans.

In respect of Tomato Juice, a canner who lacks adequate machinery, equipment or plant facilities for packing his entire 1942 pack of such product in No. 2, No. 3 Cyl., or No. 10 cans may, upon application to the War Production Board, pack the excess of his 1942 pack of such product in No. 211 Cyl. or No. 300 cans, if said canner is currently equipped to pack such product in No. 211 Cyl. or No. 300 cans, respectively, and did so in 1941.

In respect of each product above-listed on this Table I under the headings of "Fruits, Vegetables, and Julces", a canner who lacks adequate equipment, machinery, or plant facilities for efficient packing of such product in any can size or sizes specifically designated therefor on this Table I may pack such product in a larger can (other than a No. 12 can) if (a) said canner is currently equipped

to pack such product in such larger can and did so in 1941, and (b) such larger can is recommended for such product by the National Bureau of Standards Recommendation RI 55-40; and he may pack such product in a No. 12 can in any event.

Fish and Shellfish

- 1. Salmon.
- 2. Sardines.
- 3. Tuna and Tuna-like Fishes.
- 4. Mackerel.
- 5. Alewives, including Alewife Roe.
- 6. Fish Flakes. Dried Fish Flakes not to be packed.
 - 7. Crab.

Miscellaneous Foods

- 1. Cold Pack Foods, including, but not limited to Blueberries, Strawberries, Apples, Cherries, Peaches, Asparagus, Lima Beans, Peas, but only if packed in 30-lb. or larger cans.
 - 2. Baby Formulas.
- 3. Evaporated Milk, only in 14½-oz. or
- larger cans. See Table II.

 4. Dry Milks, including only Dry or Powdered Whole Milk, in 1-lb., 2½-lb., 5-lb., 10-lb., or 25-lb. cans.
- 5-lb., 10-lb., or 25-lb. cans.
 5. Special Dietary Products, including, but not limited to Roby Foods
- but not limited to, Baby Foods.
 6. Honey, but only in "5-lb." or larger cans.
- 7. Dehydrated Vegetables, only in No. 10 or larger cans.

Table II-Secondary Products Cans

All the individual restrictions appearing on this Table, relating to can sizes, re-packing, or specific limitations on the form in which a product may be packed, shall take effect as of March 1, 1942, unless otherwise indicated. All quantity limitations, however, relating to size of pack refer to the entire calendar year commencing January 1, 1942, except in the case of citrus fruits, for which see the seasonal basis provided in Item 8 of "Fruits" and Items 3, 4, and 5 of "Juices" below. Such quantity limitations, moreover, refer to the amount of timplate used in packing rather than to the amount of product packed. The quan-tity limits imposed by this Table relate only to the pack permitted for civilian consumption. To the extent of additional requirements by the Army, Navy, Lend-Lease or other U. S. Governmental Agency, such pack may be increased.

Fruits

- 1. Apples and Crabapples, only in No. 10 or larger cans. Whole Apples, Apple Butter not to be packed. 75% of 1940 pack.
- 2. Apple Sauce, including sauce from Crabapples, only in No. 2 or No. 10 cans.
- 3. Apricots, only in No. 2½ or No. 10 cans. Whole apricots not to be packed. 75% of 1940 pack.
- 4. Berries, including but not limited to Blackberries, Blueberries, Huckleberries, Loganberries, Raspberries, Strawberries, only when packed as berries, and only in No. 2, No. 2½ or No. 10 cans.
- 5. Cherries, including but not limited to Red-Sour-Pitted and Sweet, only when packed as cherries, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans.

6. Cocoanuts, only shredded with milk, and only in No. 10 cans.

7. Cranberries, including Cranberry Sauce, only in No. 300, No. 2, or No. 10 cans.

- 8. Grapefruit and combination of Oranges and Grapefruit, including only Segments, Sections, and Slices and only in No. 2, No. 2½, or No. 5 cans but 100% of 1941 pack.
- 9. Olives, only Ripe, and only in No. 1 Tall, No. 2, No. 2½, or No. 10 cans and only 50% of 1941 pack.
- 10. Peaches, Freestone, 75% of 1940 pack in California, only in No. 2, No. 2½, or No. 10 cans.
- 11. Pineapple, including only Sliced, Crushed, Tidbits, and only in No. 2, No. 2½, No. 3 Cyl., or No. 10 cans. Spears not to be packed.

12. Plums and Fresh Prunes, only in No. 2½ or No. 10 cans. 50% of 1940 pack.

Vegetables

1. Beets, only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack.

2. Carrots, only in No. 2, No. 2½, or No. 10 cans. Whole Carrots not to be packed. 75% of 1940 pack.

3. Carrots and Peas, only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack. 4. Pimentos and Peppers, only in No.

- 4. Pimentos and Peppers, only in No. 2, No. 2½, or No. 10 cans. 50% of 1940 pack.
- 5. Pumpkin and Squash, only in No. 2½ or No. 10 cans. 50% of 1940 pack.

6. Rhubarb, only in No. 10 cans. 50% of 1940 pack.

7. Sauerkraut, 50% of the present bulk kraut holding, and only in No. 2, No. 2½, or No. 10 cans.

8. Spinach, and other Green Leafy Vegetables, only in No. 2, No. 2½, or No. 10 cans.

9. Okra, only in No. 2, No. $2\frac{1}{2}$, or No. 10 cans.

) cans. 10. *Tomato Products* (See Table I)

Paste, only in 6Z cans.
Sauce, only in 8Z Short cans.

Above tomato products may be packed in whole or part from contents of other tinplate cans of 5-gal. or larger size.

11. Vegetables, Mixed, including 90% of any combination of vegetables included on Table I and Table II, but no potatoes to be included; only in No. 2, No. 2½, or No. 10 cans. 75% of 1940 pack.

12. Succotash, only when made from fresh or frozen vegetables, and only in No. 2 or No. 10 cans. 100% of 1941 pack.

Juices

- 1. Lemon Juice and Lime Juice, only in 8Z Tall, No. 2, or No. 10 cans. 50% of 1940 pack.
- 2. Pineapple Juice, only in No. 2, No. 3 Cyl., or No. 10 cans.
- 3. Grapefruit Juice, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940-1941 pack.
- 4. Orange Juice, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940-1941 pack.
- 5. Combination of Grapefruit and Orange Juice, only in No. 2, No. 3 Cyl., or No. 10 cans. 125% of 1940-1941 pack.

6. Fruit Nectars, only in 211 Cyl., No. 2, No. 3 Cyl., or No. 10 cans.

In respect of each product above-listed on this Table II under the heading of "Fruits, Vegetables, and Juices", a canner who lacks adequate equipment, machinery, or plant facilities for efficient packing of such product in any can size or sizes specifically designated therefor on this Table Π may pack such product in a larger can (other than a No. 12 can) if (a) said canner is currently equipped to pack such product in such larger can and did so in 1941, and (b) such larger can is recommended for such product by the National Bureau of Standards Recommendation R155-40; and he may pack such product in a No. 12 can in any event.

Miscellaneous Foods

- 1. Canned Condensed Soups, meaning soups packed in condensed form so that, when prepared for serving at the table, at least a can of water or other liquid is added to a can of soup to make a soup representative of its class. Such canned condensed soups to be packed only in No. 1 Picnic or larger cans; and to be only soups that are produced from products included on Tables I or II. 100% of 1941 pack.
- 2. Canned Soups, Broths, Chowders, other than canned Condensed Soups. 25% of 1940 pack. Not to be packed after June 30, 1942.

3. Condensed Milk, Goats' Milk, only in 14-oz. or 15-oz. cans.

4. Malted Milks, only in 1-lb., 5-lb., 10-lb., or 25-lb. cans; Modifications of Milk, except Filled Milks.

5. Eggs, frozen, only in 10-lb. and larger cans.

6. Liquid Oils, Vegetable, Marine, and Animal, or edible blends of such oils, only in 1-qt. or larger cans.

7. Hardened Edible Oils and Unhardened or Hardened Lard, and Rendered Porkfat, and Edible Tallow, and animal, vegetable, and marine blends thereof only in 3-lb. or larger cans, and only at rate of 100% of 1940 rate for first half year and only 60% of 1940 rate after June 30, 1942.

8. Sweet Syrups, including only Cane, Maple, Molasses, Corn, and Sorghum Syrup, and only in 5-lb. cans or larger cans.

9. Evaporated Milk, only in 6-oz. cans. See Table I.

10. Frozen and Storage Cream, only in re-use cans and only in nested style 45-50 lb. cans.

Meats

- 1. Beef, Veal, Mutton (corned; roast, or boiled; only for human consumption).
- 2. Brains, only in $10\frac{1}{2}$ -oz. or larger cans. 75% of 1940 pack.
- 3. Chili Con Carne when not packed with beans, only in 1-lb. cans.
- 4. Meat Loaf containing at least 90% meat and no added water. 75% of 1940 pack.
 - 5. Meat Spreads. 50% of 1940 pack.
 - 6. Sausages in casings.
- (a) Vienna Sausage, only in 4-oz. or larger cans. 75% of 1940 pack.
- (b) Sausage in Oil, or Lard, or Rendered Pork Pack, only in No. 5 or larger cans. 75% of 1940 pack.

- (c) Other Sausages in Casings, only in 12-oz, or larger cans, and only 25% of 1940 pack.
- 7. Bulk Sausage Meats, only in 12-oz. or larger cans. 125% of 1940 pack.
- 8. Tongue, whole only, 75% of 1940 pack.
- 9. Boned Chicken or Turkey, only in 1-lb. or larger cans.
- 10. Chopped Luncheon Meats, only in 12-oz. or larger cans. 125% of 1940 pack.
- 11. Meat (potted), only in 3 oz., 5 oz., or larger cans. 125% of 1940 pack. (Smaller sizes limited to 50% of 1940 pack.)

Fish and Shellfish

- 1. Shad.
- 2. Clams, Mussels. (Whole and Minced).
 - 3. Oysters.
 - 4. Shrimp.

Fish and Shellfish

(For refrigeration shipments, fresh)

- 1. Oysters, Shrimp, Clams, Scallops, Crabs: only when shucked, and only in 1-lb., 1-gal., or larger cans. 100% of 1941 pack.
- 2. Fish Fillets, only in 20-lb, or larger cans. 100% of 1941 pack.

Table III-Special Products Cans

In respect of a can used as a container for a product listed below, tinplate may be used to manufacture all or any part of such can (part meaning "top, bottom, or body") if, but only, if, specific authority is given by this table to use tinplate for such purpose. The use of terneplate is similarly restricted, and both may be used only to the extent to which either or both were used in 1940 (i. e., 100% of 1940) unless otherwise stated.

In respect of any can or part thereof where specific authority to use tinplate or terneplate is not given, blackplate or other material must be used.

Where it is necessary to solder a fitting or trimming to a can top and neither tinplate nor terneplate is specified in the table for such top, then such top (together with the fitting, trimming or screw cap) may be made of tinplate or terneplate respectively if the body is made of tinplate or terneplate respectively.

The word "Throughout," as used in this table, means all the parts of a can and includes fittings, trimmings, and screw caps.

- 1. Alcohol (other than for anti-freeze), alcohol mixtures (for paint) and pharmaceutical and industrial grain alcohol, only in 5-gallon and larger cans: tinplate throughout. Where chemically pure alcohol is not required, terneplate throughout.
- 2. Cements, only in 1-qt. or larger cans.

Rubber, Solvent Type. Bodies and tops: terneplate.

Rubber, Latex Type. Tinplate throughout.

Linoleum. Bodies: terneplate. Radiator. Bodies: terneplate.

3. Chemicals, Liquid, only in 1-qt. or larger cans.

Fly Spray. Bodies: terneplate. Fly Spray (Pyrethrum and Rotenone base). Bodies: tinplate.

Lighter Fluids. Bodies: terneplate. Acetone and Amyl Acetate. Terneplate throughout, except when chemically pure, in which case tinplate throughout may be used.

Carbon Bisulfide and Triethanolamine.. Terneplate throughout, except when chemically pure, in which case tinplate throughout may be used.

Oleic Acid. Bodies: tinplate. - Sodium Silicate. Only in 5-gallon or larger cans: terneplate throughout.

Dry Cleaners. Only in 1-qt., 1-gal., or larger cans. Bodies: terneplate.

Phenols, including Carbolic Acid and Lysol: tinplate throughout.

Benzol, including, but not limited to, naphtha. Bodies: terneplate.

4. Dyes, only in 1-qt. or larger cans.

Pastes or Liquids. Terneplate throughout, except for certified colors, in which case tinplate may be used throughout.

5. Fire Extinguisher Fluid. Terneplate throughout.

6. Graphite. Terneplate only where water is present.

7. Oil, Mineral for Medicinal use. Only in 1-gal. or larger cans: tinplate throughout.

8. Nicotine Sulphate. Timplate throughout and only in 1-qt. or larger cans.

9. Soap, liquid. Pack only 50% of 1940 pack and only in 1-qt. or larger cans: tinplate throughout.

10. Turpentine. For industrial use, only in 1-gal. or larger cans: terneplate throughout. When packed as chemically pure, tinplate throughout, but only in 1-qt. or larger cans.

11. Liquid glues, Pastes, Adhesives. In cans of 1-qt. to 1-gal., pack 50% of 1940 pack; in larger size cans, 100% of 1940

pack. Terneplate throughout.

12. Glycerine (C. P. and U. S. P.). Tinplate throughout. In cans of 1-qt. to 1-gal., pack only 50% of 1940 pack. In 1-gal. or larger cans, 100% of 1940

13. Glycerine (other than C. P. and U. S. P.). Terneplate throughout. In cans of 1-qt. to 1-gal., pack only 50% of 1940 pack. In 1-gal. or larger cans, 100% of 1940 pack.

14. Polish. Terneplate throughout. Only 50% of 1940 pack.

Waxes.

Paste: Bodies: terneplate. Only 25% of 1940 pack.

Emulsions: Terneplate throughout. Only 25% of 1940 pack.

16. Dairy ware, including dairy pails, milk strainer pails, hooded milking pails, milk kettles, milk strainers, setter or cream cans. Tinplate throughout. 110% of 1940 pack.

17. Disinfectants, including, but not limited to, crystals, in 1-qt. or larger cans: Tinplate throughout. Only 50% of 1940 pack.

18. Health Supplies, as defined by Order No. P-29: tinplate throughout.

19. Paints and Accessories, including, but not limited to, shellac, varnish, lacquer, enamel, and paint thinners. Only

in 1-qt., 1-gal., or larger sizes after March 1, 1942: terneplate throughout. In cans of less than 1-gal. capacity, only 50% of 1940 pack allowed.

[F. R. Doc. 42-1260; Filed, February 11, 1942; 11:52 a. m.]

PART 1076-PLUMBING AND HEATING SIMPLIFICATION

Limitation Order No. L-42

Whereas the national defense requirements have created a shortage of iron, steel, brass, bronze and other critical materials for defense, for private account, and for export, and it is necessary, in the public interest and to promote the defense of the United States, to conserve the supply thereof and effectively utilize the productive facilities therefor; and these purposes will be advanced by simplification of lines and elimination of non-essential types, sizes, forms, and specifications:

Now, therefore, it is hereby ordered,

§ 1076.1 Limitation Order L-42-(a) Issuance of schedules of simplification of lines. The Director of Industry Operations may from time to time issue Schedules establishing simplified practices with respect to the types, sizes, forms, specifications or other qualifications for any plumbing or heating products, or other similar products which may be used in any other line. From and after the effective date of any such Schedule, no such products shall be produced, fabricated, delivered or accepted except those that conform to the issued Schedule, and except as specifically permitted by such Schedule.

(b) Appeals. Any person affected by this Order or any Schedule issued pursuant thereto who considers that compliance therewith would work an excep-tional and unreasonable hardship upon him, or that it would result in a serious problem of unemployment in the community, or that compliance with this Order or such Schedule would disrupt or impair a program of conversion from non-defense to defense work, may apply for relief by addressing a letter to the War Production Board setting forth the pertinent facts and the reasons why such person considers that he is entitled to relief. The Director of Industry Operations may thereupon take such action as he deems appropriate.

(c) Applicibality of Priorities Regulation No. 1. This Order (and any Schedule issued pursuant thereto) and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1 (Part 944), as amended from time to time, except to the extent that any provision hereof may be inconsistent therewith, in which case the provisions of this Order (or such Schedule) shall

(d) Communications to War Production Board. All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War

Production Board, Washington, D. C., Ref: L-42.

(e) Violations. Any Person who wilfully violates any provision of this Order or any Schedule issued pursuant thereto, or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order (or such Schedule), may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (A)

of the Criminal Code (18 U.S.C. 80).
(f) Effective date. This Order shall take effect immediately. (P.D. Reg. 1, amended December 23, 1941, 6 FR. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Pub. No. 671, 76th Cong., 3d Sess., as amended by Pub. No. 89, 77th Cong., 1st

Issued this 11th day of February 1942. J. S. KNOWLSON, Director of Industry Operations.

[F. R. Doc. 42-1256; Filed, February 11, 1942; 11:49 a. m.]

PART 1076-PLUMBING AND HEATING SIMPLIFICATION

Schedule I to Limitation Order No. L-42-Metal Valves; Iron Body and Brass or Bronze Valves—Simplification

§ 1076.2 Schedule I to Limitation Order No. L-42—(a) Definition. For the purposes of this Schedule "Producer" means any person who manufactures, processes or fabricates valves.

(b) Simplified practices. Pursuant to Limitation Order L-42 the following pressure ratings are hereby established for iron, brass and bronze valves of the sizes shown below:

(1) Bronze or brass valves. (Steam rated gate, globe, angle and check valves). Working saturated steam

sq. inch) 100 Sizes, inches: 125 150 1/2 to 3, inclusive_

pressure (pounds per

Working saturated

These valves are designated as steam rated in order to identify their working pressure. This designation does not limit their use to steam service.

(2) Iron body valves. (Steam rated gate, globe, angle, and check valves).

steam pressure (pounds per sq.inch) Sizes, inches: 2 to 12, inclusive_ 125 3 and smaller... 150 2 to 12, inclusive_____ 250

These valves are designated as steam rated in order to identify their working pressure. This designation does not limit their use to steam service.

(c) Effective date of simplified practice; exceptions. On and after March 1, 1942, no iron body or brass or bronze valves within the range of the steam pressure ratings specified in paragraph (b) hereof which do not conform to the standards established by said paragraph shall be produced or delivered by any producer or accepted by any person from any such producer, except with the express permission of the Director of Industry Operations: Provided, however, That the foregoing shall not prohibit the delivery by any producer of such valves as are in his stock in finished form on March 1, 1942, or which had, on said date, been cast, machined or otherwise processed in such manner that their manufacture in conformity with the foregoing schedule would be impractical, nor the receipt of such valves from such producer.

(d) Records covering excepted valves. Each producer shall retain in his files records showing his inventory of excepted valves (by types and sizes) as of March 1, 1942, and such records shall be kept readily available and open to audit and inspection by duly authorized representatives of the War Production Board. (P.D. Reg. 1, amended December 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, Jan. 26, 1942, 7 F.R. 561, E.O. 9024, Jan 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a), Public No. 671, 76th Cong., 3rd Session, as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February 1942.

J. S. Knowlson, Director of Industry Operations.

[F. R. Doc. 42-1257; Filed, February 11, 1942; 11:49 a.m.]

PART 1085—MAINTENANCE AND EXPANSION OF PLANTS CANNING FRUITS AND VEGETABLES

Preference Rating Order No. P-115

§ 1085.1 Preference Rating Order P-115. For the purpose of facilitating the acquisition of Materials, in the public interest and to promote the national defense, for (1) the maintenance in good repair of plants and equipment used by Producers canning fruits and vegetables, and (2) the necessary expansion of the productive capacity of such existing plants and equipment, preference ratings are hereby assigned to deliveries of such Materials upon the following terms:

- (a) Definitions. For the purposes of this order:
- (1) "Producer" means any person located in the United States, its territories and possessions, engaged in the business of canning fruits or vegetables, or any person, located in the Dominion of Canada, to whom and in whose name a copy of this Order is specifically issued.
- (2) "Canning" means the preparation of fruits and vegetables for market by packing such fruits and vegetables (either alone or in combination with other commodities) in hermetically sealed containers and sterilizing by the use of heat and includes all operations required for or usually incidental to such preparation.

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- (3) "Material" means any commodity, equipment, accessory, part, assembly, or product of any kind.
- (4) "Maintenance" means minimum upkeep necessary to enable the Producer's existing plant and equipment to be used at its maximum rate of operation permissible under General Preference Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) and other like Orders.
- (5) "Repair" means restoration of a Producer's machinery, plant or equipment to sound working condition after physical depreciation, wear and tear, damage, destruction of parts or the like have impaired its fitness for service but not to an extent involving major reconstruction.
- (6) "Material required for Operation" means operating supplies not to be physically incorporated in the finished product, nor used as packaging or fuel.
- (7) "Replacement" means substitution of new machinery, plant or equipment for existing machinery, plant or equipment, when not constituting repair.

 (8) "Addition and Expansion" means
- (8) "Addition and Expansion" means introduction of additional plant or equipment, other than replacements, to increase the productive capacity of a Producer's existing plant or equipment, without enlarging existing building space.
- (9) "Supplier" means any person with whom a contract or purchase order has been placed for delivery of Material to a Producer or to another Supplier.
- (b) Assignment of Preference Ratings. Preference ratings are hereby assigned, subject to the restrictions and conditions of paragraphs (d) and (e) hereof:
- (1) A-1-a to deliveries, to a Producer, of Material directly required for emergency Maintenance or Repair, to avert spoilage of fruit or vegetables because of an actual breakdown or suspension of a Producer's operations.
- (2) A-3 to deliveries, to a Producer, of Material required for Repair, Maintenance, or Operation, or which will be physically incorporated into Material which will be delivered for such use.
- (3) A-3 to deliveries to a Producer of Material required for Replacement, Addition or Expansion, or which will be physically incorporated into Material which will be delivered for such use, excluding, however, any deliveries
- (i) For the construction of new buildings, or the establishment of new plants,
- (ii) For the establishment of new production lines, except for the canning of peas and tomatoes, or
- (iii) For any other purpose that, in the opinion of the Director of Industry Operations at the time application is made, as provided in paragraph (e) (1) (iii) below, is not in the public interest, does not promote the national defense, or is in conflict with the policy of General Preference Order M-81 (To Conserve the Supply and Direct the Distribution of Tin Plate and Terne Plate) or other like Orders.
- (4) For the purposes set forth in paragraphs (1), (2) and (3) herein, the

- ratings therein assigned are also assigned to deliveries to any Supplier of Material which will be delivered by him or another Supplier to the Producer under the ratings assigned above, or which will be physically incorporated into Material which will be so delivered; and the ratings assigned in paragraphs (2) and (3) are also assigned to deliveries which will be used, within the limitations of paragraph (d) hereof, to replace in such Supplier's inventory Material which is delivered by him under the ratings assigned above: Provided, however, That no Supplier engaged in the business of manufacturing machinery may apply or extend a rating hereunder in order to obtain delivery of material to be used by him in the manufacture of machinery or parts whether or not to be physically incorporated in such machinerv.
- (c) Persons entitled to apply preference ratings. The preference ratings hereby assigned may, in the manner and to the extent hereby authorized, by
- (1) a Producer, provided, however, that if the Material is for Replacement, Addition or Expansion the rating may be applied by the producer only after specific advance approval of the War Production Board pursuant to paragraph (e).
- (2) any Supplier of Material to the delivery of which a preference rating has been applied as provided in paragraph (e), and subject to the limitations of paragraph (b) (4): Provided, That the preference ratings hereby assigned may not be applied to deliveries of any Material to be used for purposes prohibited by any order or Regulation issued by the Director of the Division of Industry Operations.
- (d) Restrictions on use of ratings—
 (1) Restrictions on producer. (i) Every contract and purchase order for Material, to which a preference rating is to be applied hereunder, must specify the date or dates by which delivery is required, and the preference rating may be applied only to such Material, or portion thereof, which, under the contract or purchase order, is to be delivered to the Producer for his operations during the calendar year 1942. The Producer may apply the ratings only to those quantities and kinds of Material essential to enable him to maintain his canning schedules for the calendar year 1942.
- (ii) The Producer shall not apply any preference rating assigned by (b) (1) above to deliveries of Material to replace other Material withdrawn from his inventory or stores for Maintenance, Repair or Operation.
- (iii) The Producer shall not apply any preference rating assigned by (b) (2) above if, in view of the current rate of consumption of his inventory or stores for Repair and Maintenance or Operation, the delivery of the Material to be rated would increase such inventory or stores above the minimum permitted or provided in paragraph (f) below.
- (iv) The Producer shall not apply any preference rating hereunder unless the

Material to be delivered cannot be secured when required without such rating.

- (2) Restrictions on supplier. (i) No Supplier may deliver Material pursuant to a rating applied to him by a Producer located in the Dominion of Canada, unless the endorsement on the purchase order placed with such Supplier includes a Serial Number.
- (ii) No Supplier may apply the rating to obtain Material in greater quantities or on earlier dates than required to enable him to make on schedule a delivery rated hereunder or, within the limitations of (iii) and (iv) below, to replace in his inventory Material so delivered. He shall not be deemed to require such Material if he can make his rated delivery and still retain a practicable working minimum inventory thereof; and, if, in making such delivery, he reduces his inventory below such minimum, he may apply the rating only to the extent necessary to restore his inventory to such minimum.
- (iii) A Supplier who supplies Material which he has in whole or in part manufactured, processed, assembled or otherwise physically changed may not apply the rating to restore his inventory to a practicable working minimum unless he applies the rating before completing the rated delivery which reduces his inventory below such minimum.
- (iv) A Supplier who supplies Material which he has not in whole or in part manufactured, processed, assembled or otherwise physically changed, may, in restoring his inventory to a practicable working minimum, defer applications of the rating hereunder to purchase orders or contracts for such material to be placed by him until he can place a purchase order or contract for the minimum quantity procurable on his customary terms: Provided, That he shall not defer the application of any rating for more than three months after he becomes entitled to apply it.
- (e) Application of preference rating.
 (1) A Producer or any Supplier, in order to apply the preference ratings assigned hereunder to deliveries to him, must
- (i) endorse on each purchase order or contract which is covered by a rating assigned hereunder, a statement in the following form, manually signed by an official duly authorized for such purpose, specifying the rating assigned:

Preference Rating A-____ is applied hereto under Preference Rating Order No. P_____, with the terms of which Order the undersigned is familiar.

(Name of Producer or Supplier and Serial Number, when required)

By _____(Duly Authorized Official)

Such endorsement shall constitute a representation to the War Production Board and the Supplier with whom the purchase order or contract is placed that such purchase order or contract is duly rated in accordance herewith. Such Supplier shall be entitled to rely on such

- representation, unless he knows or has reason to believe it to be false. Any such purchase order or contract shall be restricted to Material the delivery of which is rated in accordance herewith.
- (ii) If preference rating A-1-a is applied, the Producer must, immediately upon placing his order for such Material, telegraph to the War Production Board the following with respect to such order:
- (a) The name and address of the Supplier
- (b) The reasons why such order required assignment of preference rating as Emergency Maintenance or Repair.
- (c) A specific description of the Material included in the order, and
- (d) The invoice cost of each item of such Material.
- (iii) If the Material is required for Replacement, Expansion or Addition, the Producer shall not apply preference rating A-3, unless he shall have communicated with the War Production Board, describing the Material needed and the nature of the proposed Replacement, Expansion or Addition, and shall have received from the Director of Industry Operations a specific authorization to apply such rating. Such application for authorization may be made by a written statement on Form PD 285 or, in any emergency, by telegram giving substantially the information called for by said Form PD 285.
- (2) With respect to a purchase order or contract placed before the effective date of this Order, and subject to the restrictions in paragraphs (e) (1) (ii) and (iii) above, a preference rating may a applied by delivering to the Supplier a copy of such purchase order or contract endorsed as provided above.
- (3) A Supplier who has received from two or more Producers or Suppliers endorsed purchase orders or contracts for Material to the delivery of which the same rating has been applied in accordance with this Order, may include in a single purchase order or contract, and (within the limitations of paragraphs (b) (4) and (d) hereof) may apply the rating to, any or all of the Material which he in turn requires to make such rated deliveries or to replace in his inventory Material so delivered.
- (f) Inventory provisions. A Producer shall not accept deliveries (whether rated hereunder or not) of Material for Repair and Maintenance or Operation which will increase the inventory or stores available to the Producer for such purposes to an amount greater than the minimum necessary for Repair and Maintenance and to sustain the current level of operations of the Producer, and the ratio of such inventory and stores to current operations shall in no event exceed the ratio of average inventory to average operation for the years 1938, 1939, and 1940.
- (g) Records. In addition to the records required to be kept under Priorities Regulation No. 1, a Producer, and each Supplier placing or receiving any purchase order or contract rated hereunder,

- shall each ratain, for a period of two years, for inspection by representatives of the War Production Board, endorsed copies of all such purchase orders or contracts, whether accepted or rejected, segregated from all other purchase orders or contracts or filed in such manner that they can be readily segregated for such inspection.
- (h) Reports. Each Producer and each Supplier who applies a preference rating hereunder shall file such reports as may be required from time to time by the War Production Board; and until further notice any Producer or Supplier who applies a preference rating hereunder for emergency Maintenance or Repair, or for Repair, Maintenance, or Operation, shall file Form PD-81A on or before the 10th day of each month.
- (1) Communications to War Production Board: All reports required to be filed hereunder, and all communications concerning this Order, shall, unless otherwise directed, be addressed to: War Production Board, Washington, D. C. Ref: P-115.
- Ref: P-115.

 (j) Violations. Any Person who wilfully violates any provision of this Order or who by any act or omission falsifies records to be kept or information to be furnished pursuant to this Order may be prohibited from receiving further deliveries of any Material subject to allocation, and such further action may be taken as is deemed appropriate, including a recommendation for prosecution under section 35 (a) of the Criminal Code (18 U. S. C. 80).
- (k) Revocation or amendment. This Order may be revoked or amended at any time as to any Producer or any Supplier. In the event of revocation, deliveries already rated pursuant to this Order shall be completed in accordance with said rating, unless the rating has been specifically revoked with respect thereto. No additional applications of the rating to any other deliveries shall thereafter be made by the Producer or Supplier affected by such revocation.
- (1) Applicability of Priorities Regulation No. 1. This Order and all transactions affected thereby are subject to the provisions of Priorities Regulation No. 1, (Part 944), as amended from time to time except to the extent that any provision hereof may be inconsistent therewith, in which case, the provisions of this Order shall govern.
- (m) Effective date. This Order shall take effect immediately and shall continue in effect through December 31, 1942, unless revoked, amended or modified prior thereto. (P.D. Reg. 1 Amended, Dec. 23, 1941, 6 F.R. 6680; W.P.B. Reg. 1, January 26, 1942, 7 F.R. 561; E.O. 9024, Jan. 16, 1942, 7 F.R. 329; E.O. 9040, Jan. 24, 1942, 7 F.R. 527; sec. 2 (a) Public No. 671, 76th Cong., 3d Session, as amended by Public No. 89, 77th Cong., 1st Sess.)

Issued this 11th day of February, 1942.

J. S. Knowlson,

Director of Industry Operations.

[F. R. Doc. 42-1259; Filed, February 11, 1942; 11:52 a. m.]

CHAPTER XI-OFFICE OF PRICE ADMINISTRATION

PART 1312—LUMBER AND LUMBER PRODUCTS

CORRECTION TO AMENDMENT NO. 2 TO PRICE SCHEDULE NO. 13 1-DOUGLAS FIR PLY-MOON

Section 1312.1 (Maximum prices for Douglas fir plywood) is corrected by deleting the words "February 20, 1941", and inserting in their place "February 20, 1942". (E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This correction shall become effective February 20, 1942. Issued this 10th day of February 1942.

> LEON HENDERSON. Administrator.

[F. R. Doc. 42-1245; Filed, February 10, 1942; 5:24 p. m.]

PART 1348-MERCURY

AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 93-MERCURY

Section 1348.9, paragraph (b) is hereby amended to read as follows:

§ 1348.9 Appendix A; maximum prices for prime virgin mercury.2

(b) Sales by Dealers. (1) A dealer. regularly engaged in the business of buying and selling prime virgin mercury on his own behalf, may sell such mercury as he buys and to which he acquires title, at not more than a price equal to the applicable maximum base price set forth above, plus a premium of 2% thereof, plus the actual transportation charges paid or incurred by him: Provided, That, the applicable maximum base price, the premium, and the transportation charges are shown separately in invoicing and billing.

(2) From February 4, 1942, until March 2, 1942, any such dealer, who had mercury on hand, or in transit, on February 4, 1942, in order to meet a contract of sale made prior to February 4, 1942, may deliver such mercury in accordance with the terms of such contract: Provided, That within 10 days after such delivery, the dealer shall submit to the Office of Price Administration, Washington, D. C., a verified statement, setting forth: (i) the name and address of the purchaser; (ii) the date on which the contract of sale was made: (iii) the form of the contract, i. e. oral, exchange of letters, order form, signed agreement, etc.; (iv) the quantity of mercury which the dealer had on hand, or in transit, on February 4, 1942; (v) the quantity of mercury delivered under the contract of sale after February 4, 1942, and the date or dates of such delivery; and (vi) the selling price. (E. O. Nos. 8734, 8875; 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 10, 1942. Issued this 10th day of February 1942.

> LEON HENDERSON. Administrator.

[F. R. Doc. 42-1244; Filed, February 10, 1942; 5:23 p. m.]

PART 1401-SYNTHETIC TEXTILE PRODUCTS AMENDMENT NO. 1 TO PRICE SCHEDULE NO. 90^{1} —RAYON WASTE

Section 1401.59 is hereby amended by amending the head note and the following grades and prices of producers' rayon waste as follows:

§ 1401.59 Appendix A; maximum prices for producers' rayon waste.

*

Price per lb. Grades f. o. b. shipping point Unbleached open waste semi-coarse. \$.19 Bleached semi-dull semi-coarse .1750 threads

Undesulphured threads .1750 Bleached and unbleached, fine semi-.1650

(E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483)

This Amendment No. 1 shall become effective February 11, 1942. Issued this 10th day of February 1942.

> LEON HENDERSON, Administrator.

[F. R. Doc. 42-1243; Filed, February 10, 1942; 5:22 p. m.]

PART 1406-MECHANICAL POWER-TRANS-MISSION EQUIPMENT

PRICE SCHEDULE NO. 105-GEARS, PINIONS, SPROCKETS, AND SPEED REDUCERS

Gears, pinions, sprockets, and speed reducers are used in the transmission of power. They are an important and integral part of most industrial mechanical equipment. Large quantities are used in the necessary machinery of modern warfare.

During the past year, as the expenditures of the War Program have expanded, the demand for these vital products has grown with great rapidity. The need for them in machines for industry and for war has become acute. Under this pressure, output has been more than doubled and schedules calling for continuous production have been introduced in many plants manufacturing this type of equipment. In spite of this there exists an increasing unsatisfied demand for these products creating a condition favorable to inflationary price changes.

During the year 1941, the prices of these articles moved sharply upward. In the absence of price control there is imminent danger that prices will increase even further. To avoid this consequence and the inflation which price increases occasion under the conditions described it has been decided, as a result

of a study of pertinent facts and of conferences with representative members of the industry, that controls should be established over the prices of gears, pinions, sprockets, and speed reducers.

Accordingly, under the authority vested in me by Executive Order No. 8734, it is hereby directed that:

§ 1406.1 Maximum prices for gears. pinions, sprockets, and speed reducers.
(a) On and after February 18, 1942, regardless of the terms of any contract of sale or purchase, except as provided in paragraph (b) of this section, no manufacturer shall sell, offer to sell, deliver or transfer, and no person shall buy, offer to buy or accept delivery from a manufacturer of any gear, pinion, sprocket, or speed reducer at prices higher than the maximum prices set forth in Appendix A, incorporated herein as § 1406.9.

(b) The provisions of this Schedule shall not apply to deliveries under contracts entered into by the Army, Navy, Defense Plant Corporation, Maritime Commission, Panama Canal, Procurement Division of the Treasury or any other agency of the United States prior to the effective date of this Schedule.

(c) Nothing in this Schedule shall prevent the inclusion in any contract for the sale of gears, pinions, sprockets, or speed reducers of a provision for price adjustment to be applied only to those deliveries called for and made more than nine months after the date on which the contract is entered into: Provided. That the contract also contains a provision that the final prices, after all adjustments, will in no case exceed the maximum prices established by the Office of Price Administration at the dates of delivery. Any other form of price adjustment provision, whether contractual or otherwise, shall be deemed to be in violation of the Schedule.

(d) The provisions of this Schedule shall apply both to domestic sales and sales for export, but nothing in this Schedule shall prevent the inclusion in the price of gears, pinions, sprockets, or speed reducers sold for export of the amount of expenses actually incurred in packing for export and in shipment, and the amount of any other expenses not ordinarily incurred in connection with domestic sales, provided that the amount of all such expenses is stated separately on the invoice.*

*§§ 1406.1 to 1406.9 inclusive, issued pursuant to authority contained in E.O. Nos. 8734, 8875, 6 F.R. 1917, 4483.

§ 1406.2 Lower prices. Lower prices, rents or charges than those provided for in § 1406.1 above may be charged, demanded, paid or offered.*

§ 1406.3 Evasion. The price limitation set forth in § 1406.1 shall not be evaded in connection with the purchase. sale, delivery, or transfer of any gears. pinions, sprockets, or speed reducers, alone or in conjunction with any other material, whether by direct or indirect methods, by way of barter or exchange. or by way of any service, transportation or other such charge, or by way of any change in discount, premium or other

¹6 F.R. 3865, 4885.

² Sec 7 F.R. 764.

¹7 F.R. 728.

privilege, or by tying agreement or other trade understanding, or otherwise, as a result of which the net price received by the manufacturer will exceed the net price which would have been received by him if the sale had been made on October 15, 1941.*

§ 1406.4 Records and reports. (a) Every manufacturer making any sale of gears, pinions, sprockets, or speed reducers after February 18, 1942, shall keep for inspection by the Office of Price Administration for a period of not less than one year complete and accurate records of each such sale showing the date thereof, the name and address of the buyer, the list price, if any, on the date of sale, the net price received after adjustment for all extra charges, discounts, and allowances, and the quantity and description of each type of gear, pinion, sprocket, or speed reducer sold, and in addition, in the case of "special" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7; the actual cost incurred in the production of the gear, pinion, sprocket, or speed reducer sold, and a summary of the calculations made in the computation of the price charged.

- (b) On on before March 1, 1942, every manufacturer of gears, pinions, sprockets, or speed reducers, shall file with the Office of Price Administration the following: published or confidential price lists and discount sheets setting forth prices and all extra charges, discounts, and allowances in effect on October 15, 1941, applicable to gears, pinions, sprockets, or speed reducers; and a statement of the standard method of estimating net selling prices in use October 15, 1941, for special gears, pinions, sprockets and speed reducers, together with an illustrative computation.
- (c) On or before April 10, 1942, and on or before the tenth day of every month thereafter, every manufacturer of gears, pinions, sprockets, and speed reducers shall file with the Office of Price Administration a report of sales during the preceding month of all "recurring special" gears, pinions, sprockets, and speed reducers, as to which no such report has previously been filed. The first such report shall cover the period February 18 to March 31, 1942.
- (1) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which a sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:1 and shall contain the following information: (i) A description of the item; (ii) the date of the last sale of the item prior to February 18, 1942, the quantity sold and the net price charged at that time; (iii) the net price which would have been charged for this quantity on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed in estimating costs and determining prices on that date and making use of the manu-

facturer's experience as to actual machine hours and materials required; (iv) the date of the sale being reported, the quantity sold and the net price charged.

(2) For each "recurring special" gear, pinion, sprocket, or speed reducer sold during the preceding month, of which no sale was made during the year ending February 18, 1942, the report shall be filed on Form 205:2 and shall contain the following information: (i) A description of the item; (ii) the date of the first sale of the item after February 18, 1942, the quantity sold, and the net price charged; (iii) the date of the sale being reported, by force of which the item became a "recurring special," the quantity sold and the net price charged.

If reports have been filed in previous months as to all the "recurring special" gears, pinions, sprockets, or speed reducers sold during any single month, or if no sales of "recurring special" gears, pinions, sprockets, or speed reducers have been made during any single month, a report shall none the less be filed, containing a statement of the relevant fact, signed by an authorized person. Copies of Forms 205:1 and 205:2 can be obtained from the Office of Price Administration, or Forms 205:1 and 205:2 can be reproduced by the manufacturer providing no change is made in style or content of the forms.

(d) Persons affected by this Schedule shall submit such other reports, including periodic profit and loss statements and balance sheets, to the Office of Price Administration, as it may from time to time require.*

§ 1406.5 Enforcement. In the event of refusal or failure to abide by the price limitations, record requirements, or other provisions of this Schedule or in the event of any evasion or attempt to evade the price limitations or other provisions of this Schedule, the Office of Price Administration will invoke all appropriate sanctions at its command, including taking action to see (a) that the Congress and the public are fully informed thereof; (b) that the powers of Government, both State and Federal, are fully exerted in order to protect the public interest and the interests of those persons who comply with this Schedule; (c) that full advantage will be taken of the cooperation of the various political subdivisions of State, county, and local governments by calling to the attention of the proper authorities failures to comply with this Schedule which may be regarded as ground for the revocation of licenses and permits; (d) that the procurement services of the Government are requested to refrain from selling to or purchasing from those persons who fail to comply with this Schedule; and (e) that the War Production Board is requested to direct the withholding of priority ratings and the allocation of materials to any person failing to comply with this Schedule. Persons who have evidence of the offer, receipt, demand, or payment of prices higher than the maximum prices, or of any evasion or attempt to evade the provisions hereof, or of speculation, or manipulation of prices of gears, pinions, sprockets, or speed reducers, or of the hoarding or accumulating of unnecessary inventories thereof, are urged to communicate with the Office of Price Administration.*

§ 1406.6 Modification of the Schedule. Persons claiming hardship or inequity in the operation of this Schedule may apply to the Office of Price Administration for approval of any modification thereof, or exception therefrom: Provided, That such application will not be considered unless filed by persons complying with this Schedule.*

§ 1406.7 Definitions. When used in this Schedule the term:

(a) "Person" means any individual, partnership, association, corporation or other husiness entity

other business entity.

(b) "Manufacturer" means any person engaged in one or more operations in the manufacture of gears, pinions, sprockets, or speed reducers resulting in the production of finished gears, pinions, sprockets, or speed reducers.

(c) "Gear" means a toothed wheel or cog wheel used in the transmission of mechanical power, and includes, among others, the following types of gears: spur gears, bevel gears, mitre gears, spiral gears, worm gears, herringbone gears, helical gears, pinions, and worms.

(d) "Pinion" means a type of gear.

(e) "Sprocket" means a toothed wheel or cog wheel used in the transmission of power by means of silent chain, link chain, roller or block chain, or other types of chain used in the transmission of power.

(f) "Speed reducer" means an enclosed gear drive for use in the transmission of power at increased or decreased speed, either horizontally, vertically, or angularly.

(g) "Standard gear, pinion, sprocket or speed reducer" means any gear, pinion sprocket or speed reducer listed or described in the manufacturer's price lists, whether published or confidential, in effect on October 15, 1941.

- (h) "Recurring special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket, or speed reducer other than those above defined as "standard", for which at least two orders have been or may be received subsequent to February 18, 1941, and of which the manufacturer's sales since that date amount to either \$1,000 or more, or 500 units or more.
- (1) "Special gear, pinion, sprocket, or speed reducer" means any gear, pinion, sprocket or speed reducer not included in the above definitions of "standard" and "recurring special" gears, pinions, sprockets, and speed reducers.
- (j) "Net price" means the manufacturer's price after adjustment for all applicable extra charges, discounts, including quantity discounts, and other allowances."

§ 1406.8 Effective Date of the Schedule. This Schedule shall become effective February 18, 1942.* § 1406.9 Appendix A, maximum prices for gears, pinions, sprockets, and speed reducers. (a) The maximum price for "standard" gears, pinions, sprockets, or speed reducers, as defined in § 1406.7, shall be the net price in effect on October 15, 1941.

(b) (1) Upon the first sale on or after February 18, 1942, of any "recurring special" gear, pinion, sprocket, or speed reducer, as defined in § 1406.7, of which a sale had been made in the year ending February 18, 1942, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and standards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any sub-sequent sale of the same "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such first sale after February 18, 1942, and filed in column 11 of Form 205:1, as required in § 1406.4, adjusted to reflect differences in cost consequent upon substantial differences, if any, in the quantity sold.

(2) Upon the sale after February 18. 1942, of any gear, pinion, sprocket, or speed reducer, of which no sales had been made in the year ending February 18, 1942, which is not a "standard" item and which becomes a "recurring special" by force of such sale, the maximum price shall be the price which would have been charged on October 15, 1941, if such price had been calculated on the basis of labor rates and material prices existing on that date by the use of procedures and stand-ards employed by the manufacturer in estimating or determining prices on that date, making use of the manufacturer's experience as to actual machine hours and materials required. Upon any subsequent sale of this new "recurring special" gear, pinion, sprocket, or speed reducer, the maximum price shall be the price charged upon such sale, by force of which the item became a "recurring special," and filed in column 10 of Form 205:2, as required in § 1406.4, adjusted to reflect differences in costs consequent upon substantial differences, if any, in the quantity sold.

(c) The maximum price for any "special" gear, pinion, sprocket, or speed reducer shall be the price which would have been charged on October 15, 1941, if such price had been calculated upon labor and material costs existing on that date by the use of procedures and standards employed by the manufacturer in estimating costs and determining prices

on that date.*

Issued this 10th day of February 1942.

Leon Henderson,

Administrator.

[F. R. Doc. 42-1246; Filed, February 10, 1942; 5:23 p. m.]

TITLE 44—PUBLIC PROPERTY AND WORKS

CHAPTER I—THE NATIONAL ARCHIVES

PART 2—AUTHENTICATION AND ATTESTA-TION OF COPIES OF ARCHIVES IN CUSTODY OF THE ARCHIVIST OF THE UNITED STATES

Section 2.1 is amended to read as follows:

§ 2.1 Designation of persons authorized. Whereas Public, No. 756, 74th Congress, approved June 22, 1936, entitled "An Act to amend section 8 of the Act entitled 'An Act to establish a National Archives of the United States Government, and for other purposes', approved June 19, 1934" (48 Stat. 1123; U.S.C., title 40, sec. 238), authorizes the Archivist of the United States to make or reproduce and furnish authenticated or unauthenticated copies of any of the documentary, photographic, or other archives or records in his custody that are not exempt from examination as confidential or protected by subsisting copyright, and provides further:

When any such copy or reproduction furnished under the terms hereof is authenticated by the official seal of The National Archives and certified by the Archivist of the United States, or in his name attested by the head of any office or the chief of any division of The National Archives designated by the Archivist with such authority, it shall be admitted in evidence equally with the original from which it was made.

And, Whereas, Thad Page, as Administrative Secretary of The National Archives, is the head of an office within the meaning of the language of said amendment.

And, Whereas, Philip M. Hamer, as Director of Reference Service, is the head of an office within the meaning of the language of said amendment,

Now, Therefore, I, Solon J. Buck, as Archivist of the United States, do hereby empower the said Thad Page, as Administrative Secretary of The National Archives, for me and in my name to authenticate and attest copies or reproductions of archives or records in my official custody furnished under the terms of said amendment. And I do, further. expressly empower the said Philip M. Hamer, as Director of Reference Service, in the absence or inability of the said Administrative Secretary, to authenticate and attest any such copies or reproductions in the manner aforesaid. (48 Stat. 1123; 40 U.S.C. 238)

[SEAL] SOLON J. Buck, Archivist of the United States.

FEBRUARY 10, 1942.

[F. R. Doc. 42–1239; Filed, February 10, 1942; 2:50 p. m.]

¹6 F.R. 4843.

Notices

DEPARTMENT OF THE INTERIOR.

Bituminous Coal Division.

[Docket No. D-14]

IN THE MATTER OF THE APPLICATION OF THE MILWAUKEE FUEL AND DOCK COM-PANY FOR PERMISSION TO RECEIVE DIS-TRIBUTORS' DISCOUNTS ON COAL PUR-CHASED FOR RESALE AND RESOLD TO CER-TAIN RETAIL YARDS IN WHICH IT IS FI-NANCIALLY OR OTHERWISE INTERESTED

NOTICE OF AND ORDER FOR HEARING

The Milwaukee Fuel and Dock Company, a corporation organized under the laws of Wisconsin with its principal offices in Milwaukee, Wisconsin, and registered with the Division as a Distributor, No. 6467, filed its petition praying:

- 1. For a determination that its "ownership" or "control" over the three retail yards, listed below, is bona fide, is not established to secure an indirect price reduction, and is not within the prohibition of Paragraphs 11 and 12 of section 4, Part II (i) of the Bituminous Coal Act.
- 2. That it be given permission to accept and retain distributors' discounts on all coal, heretofore and hereafter, purchased for resale and resold to each of the following retailers:

Name and address

Wauwatosa Fuel & Supply Company, Wauwatosa, Wisconsin.

Taylor-Button Company, Milwaukee, Wisconsin.

Gross Coal-Gross Oil Company, Milwaukee, Wisconsin.

It is therefore ordered, That a hearing on such matter be held on March 18, 1942, at 10 a.m. in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 15th Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearings, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence. require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to such petitioner and to any other person who may have an interest in such proceeding. Any person desiring to be heard at such hearing shall file a notice to that effect with the Bituminous Coal Division on or before March 13, 1942, setting forth therein the nature of his interest and a concise statement of the matter or matters which he intends to present.

All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the petition, petitions of interveners, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

Dated: February 9, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-1249; Filed, February 11, 1942; 10:52 a.m.]

[Docket No. C-6]

IN THE MATTER OF THE APPLICATION OF EMERALD COAL AND COKE COMPANY FOR APPROVAL OF A CONTRACT FOR THE SALE OF COAL, PURSUANT TO RULE 5 OF SEC-TION VI OF THE MARKETING RULES AND REGULATIONS

NOTICE OF AND ORDER FOR HEARING

Emerald Coal and Coke Company, a code member in District No. 2, has filed an application for approval of a contract between it and the Pittsburgh Coke and Iron Company, dated January 10, 1942, providing for the sale and delivery of coal over a period in excess of twelve (12) months, pursuant to the provisions of Rule 5, section VI of the Marketing Rules and Regulations. The Lowber Gas Coal Company, an alleged code member in District No. 2, has filed with the Division a petition objecting to the approval of said application of the Emerald Coal and Coke Company. Both the Emerald Coal and Coke Company and the Lowber Gas Coal Company have filed affidavits in support of their application for approval and petition of protest, respectively.

The Acting Director is of the opinion that a public hearing should be held and evidence received thereat concerning whether that long term contract between Emerald Coal and Coke Company and Pittsburgh Coke and Iron Company is necessary, to meet the long term competition of oil, gas, or other forms of fuel and energy or for such other reasons as may be appropriate in order to further the effectual administration of the Act.

Now, therefore, it is ordered, That a hearing in the above-entitled matter under the applicable provisions of said Act and the rules of the Division be held on March 10, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Bituminous Coal Division, 734 Fif-

teenth Street NW., Washington, D. C. On such day, the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Charles O. Fowler or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said applicant and to any other persons who may have an interest in this proceeding. Applicant, Emerald Coal and Coke Company, shall file with the Division, on or before February 20, 1942, a verified formal application with a copy of the contract between it and Pittsburgh Coke and Iron Company, dated January 10, 1942, attached thereto, and shall serve such application on the Bituminous Coal Consumers' Counsel, Bituminous Coal Producers Board for District No. 2 and Lowber Gas Coal Company on or before February 20, 1942. Copies of said application shall be made available upon request to any other person who may become a party to this proceeding. Any person desiring to be heard at such hearing shall file a verified statement to that

ters which he intends to present. All persons are hereby notified that the hearing in the above-entitled matter and any orders entered therein may concern, in addition to the matters specifically alleged in the petition, other matters necessarily incidental and related thereto, which may be raised by amendment to the application, petitions of intervenors, or otherwise, or which may be necessary corollaries to the relief, if any, granted on the basis of this petition.

effect with the Bituminous Coal Division

on or before March 5, 1942, setting forth therein the nature of his interest, and a

concise statement of the matter or mat-

The matter concerned herewith is in regard to a twenty (20) year contract, dated January 10, 1942, for the sale by Emerald Coal and Coke Company to Pittsburgh Coke and Iron Company of 80 per cent of the buyer's high volatile coal requirements, for the operation of its byproduct coke plant located on Neville Island, Allegheny County, Pennsylvania, estimated at approximately 600,000 net tons annually.

Dated: February 9, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-1250; Filed, February 11, 1942; 10:52 a. m.]

[Docket No. B-165]

IN THE MATTER OF EARL HENRY AND D. HENRY, INDIVIDUALLY AND AS COPART-NERS, DOING BUSINESS UNDER THE NAME AND STYLE OF HENRY COAL COMPANY [EARL HENRY AND D. HENRY (HENRY COAL COMPANY)], CODE MEMBER, DE-FENDANTS

NOTICE OF AND ORDER FOR HEARING

A complaint dated November 27, 1941, pursuant to the provisions of sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, having been duly filed on November 28, 1941, by Bituminous Coal Producers Board for District No. 8, a district board, complainant, with the Bituminous Coal Division alleging willful violation by the defendants of the Bituminous Coal Code or rules and regulations thereunder;

It is ordered, That a hearing in respect to the subject matter of such complaint be held on March 18, 1942, at 10 a. m., at a hearing room of the Bituminous Coal Division at the United States Post Office, Federal Building, Huntington, West Virginia.

It is further ordered, That Travis Williams or any other officer or officers of the Bituminous Coal Division duly designated for that purpose shall preside at the hearing in such matter. The officer so designated to preside at such hearing is hereby authorized to conduct said hearing, to administer oaths and affirmations, examine witnesses, subpoèna witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to such places as he may direct by announcement at said hearing or any adjourned hearing or by subsequent notice, and to prepare and submit proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to said defendants and to all other parties herein and to all persons and entities having an interest in such proceeding. Any person or entity eligible under § 301.123 of the Rules and Regulations Governing Practice and Procedure Before the Bituminous Coal Division in Proceedings Instituted Pursuant to sections 4 II (j) and 5 (b) of the Bituminous Coal Act of 1937, may file a petition for intervention not later than five (5) days before the date herein set for hearing on the complaint.

Notice is hereby given that answers to the complaint must be filed with the Bituminous Coal Division at its Washington office or with any one of the statistical bureaus of the Division, within twenty (20) days after date of service thereof on the defendants; and that any defendant failing to file an answer within such period, unless otherwise ordered. shall be deemed to have admitted the allegations of the complaint herein and to have consented to the entry of an appropriate order on the basis of the facts alleged.

The matter concerned herewith is in regard to the complaint filed by said complainant, alleging wilful violation by the above named defendants of the Bituminous Coal Code or rules and regulations thereunder as follows:

The defendants, Earl Henry and D. Henry, individually and as co-partners, doing business under the name and style of Henry Coal Company, Clifton, West Virginia, code member in District No. 8, operating the Henry Coal Company Mine,

Mine Index No. 1440, located in Mason County, West Virginia, wilfully violated the provisions of the Bituminous Coal Act, the Code and the effective minimum prices and regulations established thereunder by selling, delivering, and offering to sell bituminous coal produced from the defendants' said mine, on the dates, to the purchasers, in the sizes and quantities, and at the prices per net ton f. o. b. the defendants' mine, as set out below, which sales prices were below the prices established for such coals in the Schedule of Effective Minimum Prices for District No. 8 for Truck Shipments:

Dato	Purchaser	Quan- tity in tons	Size (for truck shipment)	Sales price per ton f. o. b. mine	Effective minimum price per ton f. o. b. mine
Dec. 20, 1940.	Lakin Experiment Farm, Lakin, W. Va.	2	H. V. Size Group 6 (Mine-Run)	\$1.75	\$1.95
Dec. 16, 1940.	Ohio River Salt Co.,	128		1.45	1.55
Dec. 31, 1940.	Mason, W. Va.	72	slack). H. V. Size Group 7 (2" and under slack).	1.45	1.55
Jan. 16, 1941	do	65	H. V. Size Group 7 (2" and under	1.20	1.55
Feb. 1, 1941	do	100	slack). H. V. Size Group 7 (2" and under slack).	1.20	1.55
Feb. 16, 1941	do	48	H. V. Size Group 7 (2" and under	1.20	1.55
Mar. 1,1941	do	40	slack). H. V. Size Group 7 (2" and under slack).	1.20	1.55
April 1, 1941	do	32	H. V. Size Group 7 (2" and under	1.20	1. 55
May 19, 1941	do	24	slack). H. V. Size Group 7 (2" and under slack).	1.25	1.55

Dated: February 9, 1942. [SEAL]

Dan H. Wheeler, Acting Director.

[F. R. Doc. 42-1251; Filed, February 11, 1942; 10:52 a. m.]

[Docket No. D-5]

IN THE MATTER OF THE APPLICATION OF SERGEANT COAL SALES COMPANY FOR PER-MISSION TO RECEIVE SALES AGENTS' COM-MISSIONS AND DISTRIBUTORS' DISCOUNTS ON COAL SOLD TO E. M. SERGEANT COAL COMPANY

ORDER POSTPONING HEARING

A Notice of and Order for Hearing having been issued in this matter on December 18, 1941, providing that a hearing be held on February 17, 1942; and

A motion having been filed by the Applicant for a postponement of the hearing to April 17, 1942; and

The Acting Director finding that a reasonable showing of necessity for postponement has been made by the Applicant:

Now, therefore, it is ordered, That the hearing in the above-entitled matter be, and it hereby is postponed from February 17, 1942 at 10:00 a. m. until April 17, 1942, at 10:00 a. m. at the place and before the Examiner heretofore designated. Dated: February 9, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42-1252; Filed, February 11, 1942; 10:53 a. m.]

[Docket No. A-289]

PETITION OF THE CITY OF CINCINNATI AND THE BOARD OF EDUCATION OF THE CITY SCHOOL DISTRICT OF THE CITY OF CIN-CINNATI FOR AN ORDER ESTABLISHING F. A. S. PRICES

MEMORANDUM OPINION AND ORDER REOPEN-ING THE HEARING

This proceeding ¹ was instituted upon an original petition filed by the City of Cincinnati and The Board of Education of the City School District of Cincinnati, consumer, with the Bituminous Coal Division, pursuant to section 4 II (d) of the Bituminous Coal Act of 1937, requesting that an Order be entered permitting them to purchase coals produced by code members in District 8 at free alongside ("f. a. s.") prices when transported via river to Cincinnati, Ohio.

Intervening petitions were filed by District Boards Nos. 7 and 8 in opposition to the relief prayed for in the original petition.

Pursuant to Orders of the Director and after due notice to all interested persons a hearing in the consolidated matter was held before Floyd McGown, a duly designated Examiner of the Division on January 10, 11, and 23, 1941. Thereafter, in the consolidated dockets, the Examiner submitted Proposed Findings of Fact and Proposed Conclusions of Law and Recommendations dated June 16, 1941.

On September 20, 1941, the Director issued his Memorandum Opinion and Order approving and adopting the Proposed Findings of Fact and Conclusions of Law and granting permanent relief. In said Memorandum Opinion there was contained, among others, the following paragraph:

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine. Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

On October 20, 1941, The City of Cincinnati and the Board of Education of the City School District of the City of Cincinnati, petitioners in Docket No. A-289, filed a petition seeking, as to themselves, to amend the Order entered in the consolidated dockets by striking therefrom the quoted provision and inserting in lieu thereof a paragraph of different import.

On December 13, 1941, the Acting Director issued a Memorandum Opinion and Order denying the petition of October 20, 1941, for a modification of the Order dated September 20, 1941, but stating that the petitioners might request that the hearing be reopened for the purpose of receiving evidence concerning the effect of the aforesaid paragraph on their methods of purchasing coal or concerning the appropriateness of its inclusion.

On January 17, 1942, the petitioners in Docket No. A-289, filed a motion to reopen the hearing to permit them to prove that the clarification clause quoted above should be stricken from the Order dated September 20, 1941.

Upon consideration of the record I find and conclude that the motion to reopen the hearing should be granted in so far as relates to the petitioners in Docket No. A-289 and, for that purpose,

¹By orders of the Director this proceeding was consolidated with Dockets Nos. A-89, A-337, A-352, A-352A, A-539, and A-540.

²The reopened hearing will be deferred until March 16, 1942, for the reason that petitioners have intervened in Docket No. A-1239, where attention may be directed, so far as pertinent to Docket No. A-1239, to the matter posed by the motion here. In such event, petitioners may find it unnecessary to pursue their contention in this proceeding and, if so, petitioners should file an appropriate application.

Docket No. A-289 should henceforth be severed from the consolidated proceeding of which it was a part. However, the reopened hearing should be limited to the hearing of evidence relating to the effect of the aforementioned statement contained in the Memorandum Opinion of the Director, dated September 20, 1941, on the petitioner's methods of purchasing coals, and, generally, with respect to its propriety, as to these petitioners, as well as any clarification, modification, revision, or deletion of such statement.

It is, therefore, ordered, That henceforth Docket No. A-289 be and the same hereby is severed from the aforesaid con-

solidated proceeding.

It is further ordered, That the motion of City of Cincinnati and The Board of Education of the City School District of the City of Cincinnati to reopen the hearing be and the same hereby is sustained and that the hearing, as to the matters in Docket A-289, only, be and the same hereby is reopened for the limited purposes, however, of receiving evidence with respect to the propriety of clarifying, modifying, revising or deleting the provision contained in the Order dated September 20, 1941, as follows:

Because at the hearing there arose some doubts concerning the conditions under which f. a. s. prices apply, it is believed that a clarification thereof may be helpful. It has always been recognized that f. a. s. prices apply only where shipments are made and deliveries received by the purchaser in barges. The weights that govern are the railroad weights at the mine. Furthermore, in accordance with Price Instruction 9, consumers purchasing coal on an f. a. s. basis must assume all intervening costs subsequent to and including unloading from the barge. And, of course, f. a. s. prices apply only when the coal delivered to the consumer is the same coal which was loaded at the river loading facilities.

and, evidence concerning the effect of said provision on the petitioner's method of purchasing coals.

It is further ordered, That nothing contained in this Order shall, in any manner, affect the rights, privileges, duties, and obligations of any of the parties in the consolidated proceedings under the Order dated September 20, 1941.

It is further ordered, That the reopened hearing in Docket No. A-289 under the applicable provisions of the Act and the Rules of the Division be held on March 16, 1942, at 10 o'clock in the forenoon of that day, at a hearing room of the Division, 734 Fifteenth Street NW., Washington, D. C. On such day the Chief of the Records Section in Room 502 will advise as to the room where such hearing will be held.

It is further ordered, That Floyd Mc-Gown or any other officer or officers of the Division duly designated for that purpose shall preside at the hearing in such matter. The officers so designated to preside at such hearing are hereby authorized to conduct said hearing, to administer oaths and affirmations, ex-

amine witnesses, subpoena witnesses, compel their attendance, take evidence, require the production of any books, papers, correspondence, memoranda, or other records deemed relevant or material to the inquiry, to continue said hearing from time to time, and to prepare and submit to the Director proposed findings of fact and conclusions and the recommendation of an appropriate order in the premises, and to perform all other duties in connection therewith authorized by law.

Notice of such hearing is hereby given to all parties herein and to persons or entities having an interest in these proceedings and eligible to become a party herein. Any person who has not heretofore filed a petition of intervention in this matter and who desires to be admitted as a party to this proceeding may file a petition of intervention in accordance with the rules and regulations of the-Bituminous Coal Division for proceedings instituted pursuant to section 4 II (d) of the Act, setting forth the facts on the basis of which the relief in the original petition is supported or opposed or on the basis of which other relief is sought. Such petitions of intervention shall be filed with the Bituminous Coal Division on or before February 16, 1942.

The matter concerned herewith is in regard to propriety of clarifying, modifying or revising the aforesaid statement contained in the Order dated September 20, 1941, entered in the consolidated dockets (Docket No. A-289 and others) in so far, only, as such statement affects the petitioners in Docket No. A-289.

Dated: February 9, 1942.

[SEAL]

DAN H. WHEELER, Acting Director.

[F. R. Doc. 42–1253; Filed, February 11, 1942; 10:53 a. m.]

DEPARTMENT OF AGRICULTURE.

Farm Security Administration.

DESIGNATION OF LOCALITIES IN COUNTIES IN WHICH LOANS, PURSUANT TO TITLE I OF THE BANKHEAD-JONES FARM TENANT ACT, MAY BE MADE

In accordance with the rules and regulations promulgated by the Secretary of Agriculture on July 1, 1941, loans made in the counties mentioned herein, under Title I of the Bankhead-Jones Farm Tenant Act, may be made within the localities herein described and designated. The value of the average farm unit of thirty acres and more in each of these localities has been determined in accordance with the provisions of the said rules and regulations. A description of the localities and the determination of value for each follow:

Region II-Michigan

Monroe County. Locality I—Consisting of the townships of Ash, Bedford, Berlin, Erie, Frenchtown, Ida, LaSalle, Monroe, Raisinville, and Whiteford and the City of Monroe, \$7,528.

Locality II—Consisting of the townships of Dundee, Exeter, London, Milan, and Summerfield, \$5,986.

Wisconsin

Chippewa County. Locality I—Consisting of the towns of Anson, Arthur, Auburn, Bloomer, Colburn, Cooks Valley, Delmar, Eagle Point, Edson, Estella, Goetz, Hallie, Howard, Lafayette, Sigel, Tilden, Wheaton, and Woodmohr; cities of Bloomer, Chippewa Falls, and Stanley; and villages of Boyd, Cadott, Cornell, and New Auburn, \$5,331.

Locality II—Consisting of the towns of Birch Creek, Cleveland, Holcombe, Ruby,

and Sampson, \$3,308.

The purchase price limits previously established for the counties above-mentioned are hereby cancelled.

Approved: February 3, 1942.

[SEAL]

C. B. BALDWIN,
Administrator.

[F. R. Doc. 42-1262; Filed, February 11, 1942; 11:55 a. m.]

DEPARTMENT OF LABOR.

Wage and Hour Division.

NOTICE OF ISSUANCE OF SPECIAL CERTIFI-CATES FOR THE EMPLOYMENT OF LEARNERS UNDER THE FAIR LABOR STANDARDS ACT OF 1938

Notice is hereby given that Special Certificates authorizing the employment of learners at hourly wages lower than the minimum wage rate applicable under section 6 of the Act are issued under section 14 thereof, part 522 of the Regulations issued thereunder (August 16, 1940, 5 F.R. 2862) and the Determination and Order or Regulation listed below and published in the Federal Register as here stated.

Apparel Learner Regulations, September 7, 1940 (5 F.R. 3591).

Men's Single Pants, Shirts and Allied Garments and Women's Apparel Industries, September 23, 1941 (6 F.R. 4839).

Artificial Flowers and Feathers Learner Regulations, October 24, 1940 (5 F.R. 4203).

Glove Findings and Determination of February 20, 1940, as amended by Administrative Order of September 20, 1940 (5 F.R. 3748).

Hosiery Learner Regulations, September 4, 1940 (5 F.R. 3530).

Independent Telephone Learner Regulations, September 27, 1940 (5 F.R. 3829).

Knitted Wear Learner Regulations, October 10, 1940 (5 F.R. 3982).

Millinery Learner Regulations, Custom Made and Popular Priced, August 29, 1940 (5 F.R. 3392, 3393).

Textile Learner Regulations, May 16, 1941 (6 F.R. 2446).

Woolen Learner Regulations, October 30, 1940 (5 F.R. 4302).

Notice of Amended Order for the Employment of Learners in the Cigar Manufacturing Industry, July 29, 1941 (6 F.R. 3753).

The employment of learners under these Certificates is limited to the terms and conditions as to the occupations. learning periods, minimum wage rates, et cetera, specified in the Determina-tion and Order or Regulation for the industry designated above and indicated opposite the employer's name. These Certificates become effective February 12, 1942. The Certificates may be cancelled in the manner provided in the Regulations and as indicated in the Certificates. Any person aggrieved by the issuance of any of these Certificates may seek a review or reconsideration thereof.

NAME AND ADDRESS OF FIRM, INDUSTRY, PRODUCT, NUMBER OF LEARNERS AND EX-PIRATION DATE

Apparel

American Sportswear Company, 319 Landis Avenue, Vineland, New Jersey; Raincoats; 4 learners (T); February 12, 1943.

Easton Clothing Company, Inc., 16th and Reed Streets, Philadelphia, Pennsylvania; Men's Coats; 1 learner (T); May 28, 1942.

I. Helfand, 2314 West Jefferson Boulevard, Los Angeles, California; Sports-wear; 1 learner (T); May 28, 1942.

Premier Garment Company, 1240 South Main Street, Los Angeles, California; Ladies' Sportswear and Slack Suits; 5 learners (T); February 12, 1943.

Style Rite Inc., 1531 Washington Avenue, St. Louis, Missouri; Men's Lounging Robes; 5 learners (T); February 12, 1943.

U. S. Garment Company, 1121 Post Street, Seattle, Washington; Ladies' Sportswear, Skirts, Jackets; 5 learners (T): August 12, 1942.

Single Pants, Shirts, and Allied Gar-ments and Women's Apparel Industries

Artistic Apron House, 103 S. Wells Street, Chicago, Illinois; Pinafore Aprons; 5 learners (T); February 12, 1943.

Beverly Frocks, 108-110 E. 22nd Street, Chicago Heights, Illinois; Wash Dresses; 10 percent (T); February 12, 1943.

H. Busch and Company, 121 North 7th Street, Philadelphia, Pennsylvania; Women's Blouses; 8 learners (T); February 12, 1943.

Co-Ed Frocks, Inc., Shelbyville, Illinois; Cotton Wash Dresses, Washable Outer Clothing; 10 percent (T); February 12, 1943.

Co-Ed Frocks, Inc., Assumption, Illinois; Cotton Wash Dresses, Washable Outer Apparel; 10 learners (T): February 12, 1943.

Eckerling Brothers, 308 S. Green Street, Chicago, Illinois; Denim Coats, Coveralls, Pants, Shirts; 10 learners (T); August 12, 1942.

Fairchild Dress Company, 110 North Fifth Street, Minneapolis, Minnesota; Shirts, Slacks, Blouses; 10 learners (T); August 12, 1942.

Gerty Garment Company, 557 West Jackson Boulevard, Chicago, Illinois;

Rayon & Cotton Dresses and Housecoats; 5 learners (T); February 12, 1943.

M. Gitman Company, Inc., 629 Livingston Avenue, Elizabeth, New Jersey; Shirts; 10 percent (T); February 12,

Graceform-Camlin Corset Company, Inc., 102 Madison Avenue, New York, N. Y.; Girdles and Corselettes; 5 percent (T); May 28, 1942.

Huntley Heather Company, 860 South Los Angeles Street, Los Angeles, California; Blouses and Shirts—Women's; 3 learners (T); August 12, 1942.

Ideal Sportswear Company, 127 East 9th Street, Los Angeles, California; Ladies' Sportswear, (Slacks and Slack Suits); 10 percent (T); February 12, 1943.

M. Janowitch and Sons, Main and Market Streets, Mahanoy City, Pennsylvania; Dresses, Blouses; 10 percent (T); February 12, 1943.

Juvenile Manufacturing Company, Inc., 327 North Flores Street, San Antonio, Texas; Boys, Students and Infants and Girls' Clothing; 10 percent (T); February 12, 1943.

William J. Knorr, 6th and Colliery Avenue, Tower City, Pennsylvania; Men's and Boys' Shirts; 5 learners (T); February 12, 1943.

Levi-Ottenheimer Company, 1409 E. Monument Street, Baltimore, Maryland; Misses' Playwear; 5 learners (T); August 12, 1942.

Public Overall Company, Inc., 54 Ca-

Paulic Verlain Collipany, Inc., 54 Canal Street, New York, N. Y.; Work Pants; 2 learners (T); May 28, 1942.

Paul Rehfisch, 4352 Melrose Avenue, Los Angeles, California; Maternity Slack Suits; 1 learner (T); July 2, 1942.

Riverside Manufacturing Company, Moultrie, Georgia; Coveralls, Jackets, Shirts, Pants; 10 learners (T); February 12, 1943,

Roleir Alko Company, 350 North 16th Street, Philadelphia, Pennsylvania; Men's Shirts; 10 percent (T); February 12, 1943,

Rosette Manufacturing Company, 625 LaSalle Street, Berwick, Pennsylvania; Ladies' and Children's Aprons; 10 learners (T); July 2, 1942.

Nathan Shatz Sportswear, Inc., 905 Washington Avenue, St. Louis, Missouri; Ladies' Shirts, Slacks and Slack Suits; 3 learners (T); February 12, 1943. Stephens Garment Company, 122

Railroad Street, Toccoa, Georgia; Semi-Dress and Work Pants; 10 percent (T); February 12, 1943.

Suffolk Overall Company, Inc., Eugenia Street, Suffolk, Virginia; Pants; 5 learners (T); February 12, 1943.

Sunbury Manufacturing Company, Inc., Second and Spruce Streets, Sunbury, Pennsylvania; Children's Dresses, Blouses, Slacks and Pajamas; 10 percent (T); February 12, 1943.

Topper Undergarment Company, Inc., 63-65 West 36th Street, New York, N. Y.; Junior Miss and Kiddie Slips: 5 learners (T); May 28, 1942.

M. Truitt, Dagsboro, Delaware; Dresses; 4 learners (T); February 12,

Gloves

Fairfield Glove and Mitten Company, Stone Street, Fairfield, Iowa; Leather Dress Gloves, Knit Fabric Gloves and Work Gloves; 10 learners (E); August 12, 1942.

Knitted Wear

Intermountain Knitting Mills, 1879 Washington Boulevard, Ogden, Utah; Knitted Outerwear; 5 learners (T); February 12, 1943.

Park Ridge Knitting Mills, 21 Railroad Avenue, Park Ridge, New Jersey; Knitted Outerwear; 5 learners (T); February 12, 1943.

Textile

Carolyn Manufacturing Company, Whitesburg, Georgia; Cotton Yarn; 3 learners (T); February 12, 1943,

Crane, 416 Elm Avenue, Kingston, Pennsylvania; Commission Throwing— Silk and Rayon Yarns; 40 learners (E); May 28, 1942.

Fife Fabrics, Inc., 626 N. Locust Street. Momence, Illinois; Drapery and Novelty Fabrics; 4 learners (E); June 12, 1942.

Jordan Spinning Company, Cedar Falls, North Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Moultrie Cotton Mills, Moultrie, Georgia; Drills and Sheetings; 3 percent

(T); February 12, 1943.
Pacific Mills, Granby Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Capital City Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Olympia Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Pacific Mills, Richland Plant, Columbia, South Carolina; Cotton Yarn; 3 percent (T); February 12, 1943.

Signed at Washington, D. C., this 11th day of February 1942.

MERLE D. VINCENT, Authorized Representative of the Administrator.

[F. R. Doc. 42-1255; Filed, February 11, 1943; 11:46 a. m.]

SECURITIES AND EXCHANGE COM-MISSION.

[File No. 70-497]

IN THE MATTER OF CONSOLIDATED ELECTRIC AND GAS COMPANY AND SAFETY ENGI-NEERING AND MANAGEMENT COMPANY

NOTICE REGARDING FILING

At a regular session of the Securities and Exchange Commission held at its office in the City of Washington, D. C., on the 10th day of February, A. D. 1942.

Notice is hereby given that a declara-

tion or application (or both), has been filed with this Commission pursuant to the Public Utility Holding Company Act of 1935 by the above-named parties; and

Notice is further given that any interested person may, not later than Feb-

ruary 25, 1942 at 4:45 p. m., E. S. T., request the Commission in writing that a hearing be held on such matter, stating the reasons for such request and the nature of his interest, or may request that he be notified if the Commission should order a hearing thereon. At any time thereafter such declaration or application, as filed or as amended, may become effective or may be granted, as provided in Rule U-23 of the Rules and Regulations promulgated pursuant to said Act or the Commission may exempt such transaction as provided in Rules U-20 (a) and U-100 thereof. Any such request should be addressed: Secretary, Securities and Exchange Commission, Washington, D. C.

All interested persons are referred to said declaration or application, which is on file in the office of said Commission, for a statement of the transactions therein proposed, which are summarized below:

Safety Engineering and Management Company, a subsidiary of Consolidated Electric and Gas Company, a registered holding company, proposes to liquidate and dissolve. All of the outstanding securities of Safety Engineering and Management Company are presently pledged with the Continental Illinois National Bank and Trust Company of Chicago, as Trustee under the Collateral Trust Indenture of Consolidated Electric and Gas

Company, dated as of August 1, 1932. Pursuant to a total liquidating dividend Safety Engineering and Management Company will transfer to Consolidated Electric and Gas Company all of its assets, and Consolidated Electric and Gas Company, in turn, will deposit these acquired assets under the lien of the said Indenture. Safety Engineering and Management Company will then take appropriate action to effect its voluntary dissolution.

By the Commission.

[SEAL] Francis P. Brassor, Secretary.

[F. R. Doc. 42-1254; Filed, February 11, 1942; 11:44 a. m.]